

Final
STAFF SUMMARY OF MEETING

**COMMITTEE ON TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE
CRIMINAL JUSTICE SYSTEM**

Date: 10/05/2016

ATTENDANCE

Time: **01:38 PM to 05:17 PM**

Humphrey X

Lee X

Place: HCR 0112

Newell X

Woods X

This Meeting was called to order by
Representative Singer

Martinez Humenik *

Singer X

This Report was prepared by
Amanda King

X = Present, E = Excused, A = Absent, * = Present after roll call

Bills Addressed:	Action Taken:
Update of Advisory Task Force Recent Activities	Witness Testimony and/or Committee Discussion Only
Discussion of Draft Letter to Capital Development Committee	Recommendation(s) Approved
Final Action on Draft Bills	Recommendation(s) Approved

01:38 PM -- Update of Advisory Task Force Recent Activities

Representative Singer called the meeting to order. A meeting agenda was distributed (Attachment A).



16MICJS1005AttachmentA.pdf

Camille Harding, Advisory Task Force Chair, provided an update to the committee on the Task Force Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems (MICJS). She discussed the recent appointments to and current vacancies on the task force. A task force membership list was distributed (Attachment B). Ms. Harding stated that the grant to implement a statewide, electronic, criminal justice health information exchange was not awarded to the Department of Public Safety. She stated that the Data and Information Sharing Subcommittee, along with the Department of Public Safety, would continue to look for funding for the health information exchange. Ms. Harding answered questions about why the grant was not awarded to the Department of Public Safety. In response to a question, Ms. Harding said she did not have an update on the Park County Collaborative Management Program funding.



16MICJS1005AttachmentB.pdf

01:42 PM -- Discussion of Draft Letter to Capital Development Committee

The committee reviewed the draft letter to Capital Development Committee concerning vacant buildings (Attachment C). Representative Singer laid over action on the letter until later in the meeting.



16MICJS1005AttachmentC.pdf

01:43 PM -- Final Action on Draft Bills

Representative Singer provided an overview of the bill process for the committee. He stated that there would be discussion of the six draft bills and then the votes on the bills would occur. Copies of Bill 1 through Bill 6 and the associated fiscal notes were distributed to the committee (Attachments D to O).



16MICJS1005AttachmentD.pdf



16MICJS1005AttachmentE.pdf



16MICJS1005AttachmentF.pdf



16MICJS1005AttachmentG.pdf



16MICJS1005AttachmentH.pdf



16MICJS1005AttachmentI.pdf



16MICJS1005AttachmentJ.pdf



16MICJS1005AttachmentK.pdf



16MICJS1005AttachmentL.pdf



16MICJS1005AttachmentM.pdf



16MICJS1005AttachmentN.pdf



16MICJS1005AttachmentO.pdf

- Bill 1 concerns ongoing staffing for the MICJS Task Force;
- Bill 2 concerns increasing medication consistency for persons with mental illness in the criminal and juvenile justice systems;
- Bill 3 concerns competency restoration services for defendants deemed incompetent to proceed;
- Bill 4 concerns services for persons with mental illness in the criminal justice system;
- Bill 5 concerns removing a juvenile sex offender from sex offender registries upon the completion of his or her sentence; and
- Bill 6 concerns excluding from the Colorado Sex Offender Registry those offenders whose offenses occurred before the offenders were fourteen years of age.

Ms. Harding discussed the bill drafts. She stated that the MICJS Task Force members voiced no objections to Bill 1. She said that Bill 2 was primarily proposed by the Behavioral Health Transformation Council. She discussed possible changes to Bill 2. A letter from the Colorado Behavioral Healthcare Council was distributed to the committee (Attachment P).



16MICJS1005AttachmentP.pdf

01:49 PM -- Jack Wylie, Department of Personnel and Administration, testified on Bill 2.

01:51 PM -- Lauren Lambert Schreier, Department of Human Services, testified on Bill 2 and amendments 1 and 2 to Bill 2 (Attachments Q and R).



16MICJS1005AttachmentQ.pdf



16MICJS1005AttachmentR.pdf

01:53 PM

Ms. Harding commented on amendment 2. Committee discussion with Mr. Wylie and Ms. Schreier occurred. Ms. Schreier answered questions about the number of FTE currently employed by the Department of Human Services. Committee discussion with Ms. Harding about the bill ensued.

02:01 PM

Bill Zepernick, Legislative Council Staff, explained information contained in the fiscal note for Bill 2. Mr. Zepernick answered questions about the fiscal note.

02:06 PM

Ms. Harding discussed the work that the Behavioral Health Transformation Council had done regarding medication consistency and the issues that occur when medication is not consistent. Committee discussion about Bill 2 ensued. Ms. Harding responded to comments from the committee about the potential cost-savings that could be realized through the bill. The committee discussed adding a SMART Government Act reporting requirement to the bill.

02:17 PM

Ms. Harding discussed Bill 3, and stated that there was support for Bill 3 by the task force members.

02:19 PM -- Sheri Danz, Advisory Task Force member, answered questions from the committee about Bill 3 and the fiscal note for the bill. She explained the history of the bill and the research that the task force had conducted on juvenile competency restoration in other states. Ms. Danz answered questions about the services provided through the Office of Child's Representatives and the existing curriculum for competency restoration.

02:26 PM -- Karen Knickerbocker, Advisory Task Force member, discussed Bill 3. She referenced the recent Colorado Summit on Behavioral Health and Criminal Justice held by the Equitas Foundation. There was discussion about the terms outpatient services and out-of-custody services. Ms. Knickerbocker discussed the fiscal note for Bill 3 and the wait time to receive services through the Colorado Mental Health Institute at Pueblo. She discussed the potential cost-savings that could occur under the bill. Ms. Knickerbocker answered questions about what private restoration services generally cost.

02:38 PM -- Timothy Lane, Colorado District Attorney's Council, testified on the Bill 3. He stated that his organization supports Bill 3. Mr. Lane discussed the information contained in the fiscal note for the bill. Mr. Lane answered questions from the committee.

02:42 PM

Committee discussion with Ms. Danz about the fiscal note for the bill ensued.

02:44 PM

Kerry White, Legislative Council Staff, answered questions about the fiscal note for Bill 3.

02:49 PM

Committee discussion about Bill 3 and competency restoration with Ms. Knickerbocker ensued. Ms. White answered additional questions about the information contained in the fiscal note for Bill 3. Ms. Knickerbocker answered questions about lawsuits related to competency evaluations. Committee discussion about the fiscal note for Bill 3 ensued.

03:07 PM

Jennifer Longtin, co-chair of the Advisory Task Force's Housing Subcommittee, discussed Bill 4 and existing housing voucher programs.

03:10 PM

Mr. Zepernick answered questions about the fiscal note for Bill 4. Ms. Longtin discussed the reverted funds from the appropriations for community corrections reflected in the fiscal note. Committee discussion with Mr. Zepernick and Ms. Longtin about the fiscal note ensued.

03:15 PM -- Gabby Reid, Department of Public Safety, answered questions about reverted funds from the appropriations for community corrections.

03:19 PM

Ms. Longtin discussed the Housing First Program and data related to potential cost savings associated with the program. Ms. Reid discussed community corrections programs. Mr. Zepernick answered additional questions about the fiscal note.

03:23 PM

Ms. Harding discussed Bill 5 and Bill 6. She stated that there was not overwhelming consensus from the task force members to support the two bills. She stated that there was concern about whether the bills fit under the charge of the task force. Ms. Harding answered questions about the task force's position on the six bills and the task force's process related to bring forth bills. Committee discussion with Ms. Harding about Bill 5 and Bill 6 ensued. An e-mail from Dale Ann Jenkins concerning Bill 5 and Bill 6 was distributed to the committee (Attachment S).

03:37 PM -- Timothy Lane, Colorado District Attorneys' Council, testified on Bill 5 and Bill 6. He expressed his concerns about the bills. The committee dialogued with Mr. Lane about the juvenile sex offender registry.

03:51 PM -- Sterling Harris, Colorado Association for Victim Assistance, testified on Bill 5 and Bill 6. She expressed her concerns about the bills. Ms. Harris answered questions from the committee about the juvenile sex offender registry and the victims of sex offenses.

04:09 PM -- Annemarie Jensen, Colorado Coalition Against Sexual Abuse and Colorado Association of Chiefs of Police, testified on Bill 5 and Bill 6. She expressed concerns about the bills. She discussed the juvenile sex offender registry and victims' rights laws.

04:17 PM

Ms. Jensen and Mr. Lane answered questions about the petition process for removing a juvenile from the juvenile sex offender registry. Committee discussion about Bill 5 and Bill 6 with the witnesses ensued.

04:21 PM

Richard Sweetman, Office of Legislative Legal Services, answered questions about Bill 5.

04:24 PM -- Laurie Rose Kepros, Office of the State Public Defender, testified on Bill 5 and Bill 6. She discussed the juvenile sex offender registry. She discussed the costs related to treatment. Ms. Kepros answered questions from the committee about her position on Bill 5 and Bill 6.

04:41 PM

Representative Singer discussed the draft letter to Capital Development Committee concerning vacant buildings. Senator Woods asked that a typographical error in the letter be corrected.

BILL:	Final Action on Draft Bills	
TIME:	04:42:27 PM	
MOVED:	Woods	
MOTION:	Moved to send the letter concerning vacant buildings to the Capital Development Committee (Attachment C). The motion passed without objection.	
SECONDED:	Lee	
		VOTE
Humphrey		
Lee		
Newell		
Woods		
Martinez Humenik		
Singer		
YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection		

04:43 PM

The committee discussed the bill drafts.

BILL:	Final Action on Draft Bills	
TIME:	04:46:37 PM	
MOVED:	Newell	
MOTION:	Moved to refer Bill 1 to the Legislative Council Committee (Attachment D). The motion passed on a vote of 5-1.	
SECONDED:	Lee	
		VOTE
Humphrey		No
Lee		Yes
Newell		Yes
Woods		Yes
Martinez Humenik		Yes
Singer		Yes
YES: 5 NO: 1 EXC: 0 ABS: 0 FINAL ACTION: PASS		

BILL:	Final Action on Draft Bills	
TIME:	04:47:36 PM	
MOVED:	Singer	
MOTION:	Moved to have a safety clause on Bill 1. The motion failed on a 3-3 vote.	
SECONDED:	Newell	
		VOTE
Humphrey		No
Lee		Yes
Newell		Yes
Woods		No
Martinez Humenik		No
Singer		Yes
YES: 3 NO: 3 EXC: 0 ABS: 0 FINAL ACTION: TIE		

BILL:	Final Action on Draft Bills	
TIME:	04:51:40 PM	
MOVED:	Singer	
MOTION:	Moved to adopt amendment 1 to Bill 2 (Attachment Q). The motion passed without objection.	
SECONDED:	Lee	
		VOTE
Humphrey		
Lee		
Newell		
Woods		
Martinez Humenik		
Singer		
YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection		

BILL:	Final Action on Draft Bills	
TIME:	04:52:03 PM	
MOVED:	Singer	
MOTION:	Moved to adopt amendment 2 to Bill 2 (Attachment R). The motion passed without objection.	
SECONDED:	Lee	
		VOTE
Humphrey		
Lee		
Newell		
Woods		
Martinez Humenik		
Singer		
YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection		

BILL:	Final Action on Draft Bills	
TIME:	04:52:40 PM	
MOVED:	Martinez Humenik	
MOTION:	Moved a conceptual amendment to include a report during the SMART Government Act hearings of the Health and Judicial committees. The motion passed without objection.	
SECONDED:	Singer	
		VOTE
Humphrey		
Lee		
Newell		
Woods		
Martinez Humenik		
Singer		
YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection		

BILL:	Final Action on Draft Bills	
TIME:	04:54:48 PM	
MOVED:	Singer	
MOTION:	Moved to refer Bill 2, as amended, to the Legislative Council Committee (Attachment F). The motion passed on a vote of 5-1.	
SECONDED:	Martinez Humenik	
		VOTE
Humphrey		No
Lee		Yes
Newell		Yes
Woods		Yes
Martinez Humenik		Yes
Singer		Yes
YES: 5 NO: 1 EXC: 0 ABS: 0 FINAL ACTION: PASS		

BILL:	Final Action on Draft Bills	
TIME:	04:57:18 PM	
MOVED:	Newell	
MOTION:	Moved to have a safety clause on Bill 2. The motion failed on a 3-3 vote.	
SECONDED:	Lee	
		VOTE
Humphrey		No
Lee		Yes
Newell		Yes
Woods		No
Martinez Humenik		No
Singer		Yes
		YES: 3 NO: 3 EXC: 0 ABS: 0 FINAL ACTION: TIE

BILL:	Final Action on Draft Bills	
TIME:	04:58:30 PM	
MOVED:	Martinez Humenik	
MOTION:	Moved to refer Bill 3 to the Committee on Legislative Council (Attachment H). The motion passed on a vote of 5-1.	
SECONDED:	Newell	
		VOTE
Humphrey		No
Lee		Yes
Newell		Yes
Woods		Yes
Martinez Humenik		Yes
Singer		Yes
		YES: 5 NO: 1 EXC: 0 ABS: 0 FINAL ACTION: PASS

05:02 PM

The committee discussed Bill 4.

05:04 PM

Jerry Barry, Office of Legislative Legal Services, answered questions about amending the title for Bill 4.

BILL:	Final Action on Draft Bills	
TIME:	05:04:52 PM	
MOVED:	Martinez Humenik	
MOTION:	Moved to amend the title to add "reentry" before "services" on line 101. The motion passed without objection.	
SECONDED:	Singer	
		VOTE
Humphrey		
Lee		
Newell		
Woods		
Martinez Humenik		
Singer		
YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection		

BILL:	Final Action on Draft Bills	
TIME:	05:06:02 PM	
MOVED:	Woods	
MOTION:	Moved to refer Bill 4, as amended, to the Legislative Council Committee (Attachment J). The motion passed on a vote of 5-1.	
SECONDED:	Newell	
		VOTE
Humphrey		No
Lee		Yes
Newell		Yes
Woods		Yes
Martinez Humenik		Yes
Singer		Yes
YES: 5 NO: 1 EXC: 0 ABS: 0 FINAL ACTION: PASS		

BILL:	Final Action on Draft Bills	
TIME:	05:09:43 PM	
MOVED:	Newell	
MOTION:	Moved to refer Bill 5 to the Legislative Council Committee (Attachment L). The motion failed on a vote of 2-4.	
SECONDED:	Lee	
		VOTE
Humphrey		No
Lee		Yes
Newell		Yes
Woods		No
Martinez Humenik		No
Singer		No
YES: 2 NO: 4 EXC: 0 ABS: 0 FINAL ACTION: FAIL		

05:15 PM

No action was taken on Bill 6. Representative Singer discussed continuing to work on issues related to the juvenile sex offender registry. Committee members made concluding remarks.

05:17 PM

The committee adjourned.

AGENDA

Legislative Oversight Committee Concerning the Treatment of Persons With Mental Illness in the Criminal and Juvenile Justice Systems

Wednesday, October 5, 2016

1:30 p.m.

House Committee Room 0112

- 1:30 p.m. Call to Order
- *Representative Singer, Legislative Oversight Committee Chair*
- 1:35 p.m. Update of Advisory Task Force Recent Activities
- *Camille Harding, Advisory Task Force Chair*
- 1:40 p.m. Discussion of Draft Letter to Capital Development Committee
- 1:50 p.m. Final Action on Draft Bills
(*Public comment will be taken before action on each bill.*)
- Bill 1 - Staffing Task Force Mental Illness Justice Systems
 - Bill 2 - Medication Mental Illness In Justice Systems
 - Bill 3 - Competency Restoration Services And Education
 - Bill 4 - Assistance To Released Mentally Ill Offenders
 - Bill 5 - Remove Juveniles From Sex Offender Registry
 - Bill 6 - Remove Child Offenders From Sex Offender Registry
- 4 p.m. Adjourn

MICJS Advisory Task Force Members

State or Private Agency	Representative(s) and Affiliation(s)	
Department of Public Safety (1)	Peggy Heil	Division of Criminal Justice
Department of Corrections (2)	Kerry Pruett	Mental Health Programs Administrator
	Susan White	Division of Parole
Local Law Enforcement (2) - one of whom will be in active service and one of whom shall have experience dealing with juveniles in the juvenile justice system	Commander Thomas DeLuca	El Paso County Sheriff's Office (active service representative)
	Chris Johnson	County Sheriffs of Colorado (representative with experience dealing with juveniles in the juvenile justice system)
Department of Human Services (5)	Jagruhi Shah	Office of Behavioral Health
	Ashley Tunstall	Division of Youth Corrections
	Melinda Cox	Division of Child Welfare
	Bill Martinez	Colorado Mental Health Institute at Pueblo
	Moe Keller	Mental Health Planning and Advisory Council
County Department of Social Services (1)	Susan Walton, co-chair	Park County Department of Human Services
Department of Education (1)	Michael Ramirez	Teaching and Learning Unit
State Attorney General's Office (1)	Cynthia Kowert	Assistant Deputy Attorney General
District Attorneys (1)	Tariq Sheikh	17th Judicial District - District Attorney's Office
Criminal Defense Bar (2)	Karen Knickerbocker	Office of the Colorado State Public Defender
	Gina Shimeall	Criminal Defense Bar
Practicing Mental Health Professionals (2)	Fernando Martinez	San Luis Valley Mental Health Center
	Lisa Thompson	Colorado Coalition for the Homeless
Community Mental Health Centers in Colorado (1)	Harriet Hall	Jefferson Center for Mental Health
Person with Knowledge of Public Benefits and Public Housing in Colorado (1)	Alison George	Colorado Department of Local Affairs, Division of Housing
Department of Health Care Policy & Financing (1)	Camille Harding, chair	Clinical Services Office
Practicing Forensic Professional (1)	Richard Martinez, M.D.	Colorado Office of Behavioral Health/UCDSOM
Members of the Public (3)	Bethe Feltman	Member with a mental illness who has been involved in the Colorado criminal justice system
	Deirdre Parker	Parent of a child who has a mental illness and who has been involved in the Colorado criminal justice system
	Jack Zelkin	Member with an adult family member who has a mental illness and who has been involved in the Colorado criminal justice system
Office of the Child's Representative (1)	Sheri Danz	Deputy Director
Office of the Alternate Defense Counsel (1)	Kathy McGuire	Private attorney
Colorado Department of Labor and Employment (1)	Patrick Teegarden	Director of Policy and Legislation
Judicial Branch (4)	Magistrate Denise Peacock	4th Judicial District
	Judge K.J. Moore	1st Judicial District
	Susan Colling	Juvenile Programs Coordinator, Probation Services
	Tobin Wright	16th Judicial District

Updated: September 27, 2016

COLORADO GENERAL ASSEMBLY

HOUSE MEMBERS

Rep. Jonathan Singer, Chair
Rep. Stephen Humphrey
Rep. Pete Lee



SENATE MEMBERS

Sen. Beth Martinez Humenik, Vice-Chair
Sen. Linda Newell
Sen. Laura Woods

**Legislative Oversight Committee Concerning the Treatment of Persons
with Mental Illness in the Criminal and Juvenile Justice Systems**

ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784

E-mail: lcs.ga@state.co.us
303-866-3521 FAX: 303-866-3855 TDD: 303-866-3472

October 5, 2016

Capital Development Committee
State Capitol Building
200 East Colfax, Room 029
Denver, CO 80203

Dear Members of the Capital Development Committee:

The Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice System (MICJS) writes to you with concerns about the lack of housing for persons with mental illness who are leaving the criminal justice system and the possibility of repurposing vacant state-owned buildings for this purpose. The MICJS Legislative Oversight Committee, along with the advisory task force that reports to the committee, have been studying the issue of housing and the difficulties that persons with mental illness who are leaving the criminal justice system face in accessing housing. The MICJS Task Force has formed a subcommittee to specifically look at ways to expand housing options for this population. We feel it is important for the Capital Development Committee (CDC) to keep in mind this population when determining future uses of vacant state-owned buildings.

During the July 20 MICJS Legislative Oversight Committee meeting, the suggestion was made to explore the idea of repurposing state-owned buildings to provide possible housing for persons with mental illness who are leaving the criminal justice system. At the August 22 MICJS Legislative Oversight Committee meeting, the committee reviewed the memorandum prepared by Legislative Council Staff for the CDC concerning state-owned vacant buildings dated February 17, 2016. Based on the information the MICJS Legislative Oversight Committee received about vacant state-owned buildings, the committee determined it would be beneficial to express to the CDC the importance of considering repurposing such buildings for possible housing options for persons with mental illness who are leaving the criminal justice system. We hope that as the CDC works with executive branch agencies on plans to demolish or sell vacant state-owned buildings that you will consider whether it is possible to repurpose any of those building to provide housing and supportive services to persons with mental illness who are leaving the criminal justice system.

Thank you for your consideration of this request. We ask that we be kept apprised of any future agenda items the CDC considers related to vacant buildings. We also would like to schedule a time in the upcoming year to discuss this issue.

Sincerely,

Representative Jonathan Singer
Chair of the MICJS Legislative
Oversight Committee

Senator Beth Martinez Humenik
Vice-Chair of the MICJS Legislative
Oversight Committee

c: Members of the MICJS Legislative Oversight Committee

DRAFT

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL 1

LLS NO. 17-0147.01 Jane Ritter x4342

INTERIM COMMITTEE BILL

**Legislative Oversight Committee Concerning the Treatment of Persons
with Mental Illness in the Criminal and Juvenile Justice Systems**

A BILL FOR AN ACT

101 **CONCERNING ONGOING STAFFING FOR THE TASK FORCE CONCERNING**
102 **TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE**
103 **CRIMINAL AND JUVENILE JUSTICE SYSTEMS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems. The bill amends provisions in current statute to provide for ongoing staff support for the task force concerning treatment of persons with mental illness in the criminal and juvenile justice systems.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.9-104, **amend**
3 (1) (a) as follows:

4 **18-1.9-104. Task force concerning treatment of persons with**
5 **mental illness in the criminal and juvenile justice systems - creation**
6 **- membership - duties.** (1) **Creation.** (a) There is ~~hereby~~ created a task
7 force concerning treatment of persons with mental illness in the criminal
8 and juvenile justice systems in Colorado. The task force ~~shall consist~~
9 ~~CONSISTS~~ of thirty-two members appointed as provided in ~~paragraphs (b)~~
10 ~~and (c) of this subsection~~ (1) SUBSECTIONS (1)(b) AND (1)(c) OF THIS
11 SECTION AND ANY STAFF SUPPORT AS PROVIDED FOR IN SECTION
12 18-1.9-105.

13 **SECTION 2.** In Colorado Revised Statutes, **amend** 18-1.9-105
14 as follows:

15 **18-1.9-105. Task force funding - staff support.** (1) The division
16 of criminal justice of the department of public safety, ~~on behalf of the~~
17 ~~task force,~~ is THE UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT
18 ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING
19 THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE USE, ALSO KNOWN
20 AS THE OFFICE OF BEHAVIORAL HEALTH, AND ANY STATE DEPARTMENT OR
21 AGENCY WITH AN ACTIVE REPRESENTATIVE ON THE TASK FORCE ARE
22 authorized to receive and expend ~~contributions~~ GIFTS, grants, ~~services;~~
23 ~~and in-kind~~ AND donations, INCLUDING DONATIONS OF IN-KIND SERVICES
24 FOR STAFF SUPPORT, from any public or private entity for any direct or
25 indirect costs associated with the duties of the task force. ~~set forth in this~~
26 ~~article.~~

1 (2) The director of research of the legislative council, the director
2 of the office of legislative legal services, the director of the division of
3 criminal justice within the department of public safety, THE DIRECTOR OF
4 THE UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS
5 BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE
6 RELATED TO MENTAL HEALTH AND SUBSTANCE USE, ALSO KNOWN AS THE
7 OFFICE OF BEHAVIORAL HEALTH, and the executive directors of the
8 departments represented on the task force may supply staff assistance to
9 the task force as they deem appropriate within existing appropriations If
10 ~~staff assistance is not available from a governmental agency within~~
11 ~~existing appropriations, then the executive directors of the departments~~
12 ~~represented on the task force, the director of research of the legislative~~
13 ~~council, and the director of the office of legislative legal services may~~
14 ~~supply staff assistance to the task force only~~ OR if moneys are credited to
15 the treatment of persons with mental illness in the criminal and juvenile
16 justice systems cash fund created in section 18-1.9-106 FOR THE PURPOSE
17 OF AND in an amount sufficient to fund staff assistance. The task force
18 may also accept DONATIONS OF IN-KIND SERVICES FOR staff support from
19 the private sector.

20 **SECTION 3.** In Colorado Revised Statutes, 18-1.9-106, **amend**

21 (1) as follows:

22 **18-1.9-106. Treatment of persons with mental illness in the**
23 **criminal and juvenile justice systems cash fund.** (1) ~~All private and~~
24 ~~public funds received through grants, contributions, and donations~~
25 ~~pursuant to this article shall be transmitted to the state treasurer, who shall~~
26 ~~credit the same to~~ The treatment of persons with mental illness in the
27 criminal and juvenile justice systems cash fund, ~~which fund is hereby~~

1 ~~created and~~ referred to in this section as the "fund", IS HEREBY CREATED
2 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY APPROPRIATED
3 OR TRANSFERRED TO THE FUND BY THE GENERAL ASSEMBLY AND ANY
4 PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR
5 DONATIONS FOR THE PURPOSE OF IMPLEMENTING THE PROVISIONS OF THIS
6 ARTICLE. ~~The moneys~~ MONEY in the fund ~~shall be~~ IS subject to annual
7 appropriation by the general assembly for the direct and indirect costs
8 associated with the implementation of this article. ~~All moneys~~ MONEY in
9 the fund not expended for the purpose of IMPLEMENTING this article may
10 be invested by the state treasurer as provided by law. ~~All interest and~~
11 ~~income derived from the investment and deposit of moneys in the fund~~
12 ~~shall be credited to the fund. Any unexpended and unencumbered moneys~~
13 ~~remaining in the fund at the end of a fiscal year shall remain in the fund~~
14 ~~and shall not be credited or transferred to the general fund or another~~
15 ~~fund. All unexpended and unencumbered moneys remaining in the fund~~
16 ~~as of July 1, 2020, shall be transferred to the general fund.~~ THE STATE
17 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
18 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. THE
19 STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND
20 UNENCUMBERED MONEY REMAINING IN THE FUND AS OF JULY 1, 2020, TO
21 THE GENERAL FUND.

22 **SECTION 4. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2018 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.

Bill 1



Colorado
Legislative
Council
Staff

FISCAL NOTE

FISCAL IMPACT: ☒ State ☐ Local ☐ Statutory Public Entity ☐ Conditional ☐ No Fiscal Impact

Drafting Number: LLS 17-0147
Prime Sponsor(s):

Date: September 27, 2016
Bill Status: Legislative Oversight Committee
Concerning the Treatment of
Persons With Mental Illness in the
Criminal and Juvenile Justice
Systems Bill Request

Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: STAFFING TASK FORCE MENTAL ILLNESS JUSTICE SYSTEMS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue	See State Revenue section.	
Cash Funds		
State Expenditures	See State Expenditures section.	
Appropriation Required: None.		
Future Year Impacts: Ongoing potential increase in revenue and expenditures.		

Summary of Legislation

Requested by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems (MICJS), this bill modifies current law concerning funding and staff support for the MICJS task force. Specifically, the bill:

- allows the Office of Behavioral Health in the Department of Human Services and any other state agency with an active representative on the task force to receive and expend gifts, grants, and donations in support of the task force;
- permits the Office of Behavioral Health in the Department of Human Services to provide staff assistance to the task force within existing appropriations;
- clarifies that the existing Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems Cash Fund may receive moneys appropriated or transferred by the General Assembly; and
- removes language that prohibits the transfer of unexpended moneys in the fund to the General Fund or another fund.

Background

The Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems Task Force consists of 32 members, including representatives of:

- Colorado Attorney General's Office (1);
- Community mental health centers in Colorado (1);
- County departments of social services (1);
- Criminal Defense Bar (2);
- Department of Corrections (2);
- Department of Education (1);
- Department of Health Care Policy and Financing (1);
- Department of Human Services (5);
- Department of Labor and Employment (1);
- Department of Public Safety (1);
- District attorneys (1);
- Judicial Branch (4)
- Local law enforcement (2);
- Members of the public (3);
- Office of the Alternate Defense Counsel (1);
- Office of the Child's Representative (1);
- Person with knowledge of public benefits/public housing in Colorado (1);
- Practicing forensic professional (1); and
- Practicing mental health professionals (2).

State Revenue

Revenue increase. Under current law, the Division of Criminal Justice in the Department of Public Safety is the only agency authorized to receive and expend gifts, grants, and donations for the task force. This bill expands that authority to the Office of Behavioral Health in the Department of Human Services and any other state agency with an active representative on the task force. To the extent that this change results in additional gifts, grants, and donations in the future, revenue credited to the existing Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems Cash Fund will increase. As of this writing, no source of additional funds has been identified.

State transfers. The bill removes language that prohibits moneys from being transferred from the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems Cash Fund to the General Fund or another fund. As of this writing, no information about the potential of future transfers was available.

State Expenditures

This bill may increase state expenditures beginning in FY 2017-18. The bill allows any state agency with representation on the task force to receive and expend gifts, grants, and donations. As of this writing, no source of gifts, grants, or donations has been identified and therefore, any increase in expenditures has not been estimated. The bill also permits the Office of Behavioral Health in the Department of Human Services to provide staff assistance to the task force within

existing appropriations. The department is expected to provide limited staffing resources for this purpose, resulting in an increase in workload. This analysis assumes that no adjustments in appropriations are required for any state agency.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Alternate Defense Counsel	Corrections
Counties	District Attorneys
Education	Human Services
Judicial	Labor
Law	Legislative Council Staff
Local Affairs	Municipalities
Office Of Legislative Legal Services	Office Of The Child's Representative
Personnel	Public Defender
Public Safety	Sheriffs
Treasury	

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL 2

LLS NO. 17-0148.01 Jane Ritter x4342

COMMITTEE BILL

**Legislative Oversight Committee Concerning the Treatment of Persons
with Mental Illness in the Criminal and Juvenile Justice Systems**

A BILL FOR AN ACT

101 **CONCERNING INCREASING MEDICATION CONSISTENCY FOR PERSONS**
102 **WITH MENTAL ILLNESS IN THE CRIMINAL AND JUVENILE JUSTICE**
103 **SYSTEMS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems. The bill implements recommendations from the task force concerning the treatment of persons with mental illness in the criminal and juvenile justice systems and the medication consistency work group

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

of the behavioral health transformation council to promote increased medication consistency for persons with mental illness in the criminal and juvenile justice systems. The recommendations include:

- Requiring the unit and office within the department of human services that administers behavioral health programs (OBH), including those related to mental health and substance use, and the department of corrections to promulgate rules that require providers under each department's authority to use an agreed upon medication formulary (formulary) by mental health providers and justice system providers (providers);
- Requiring OBH to conduct annual and biannual reviews of the formulary to address any urgent concerns related to the formulary, update the formulary, and ensure compliance with the medicaid formulary;
- Requiring the department of corrections, county jails, community mental health centers, the division of youth corrections, and other providers to share patient-specific mental health care and treatment information, provided federal and state confidentiality requirements are met;
- Requiring OBH and relevant providers to develop a process for electronically sharing patient-specific mental health care and treatment information across systems;
- Requiring OBH to encourage providers to utilize cooperative purchasing for the formulary to maximize statewide cost savings;
- Encouraging the pharmaceutical cooperative purchasing entity to include an ongoing drug utilization review process;
- Requiring OBH to develop and study the potential for a pilot program for various providers, based on a health home model, to determine if such partnerships can increase the continuity of care and maximize federal drug discount benefits for individuals with mental illness; and
- Requiring the executive director of the department of personnel or his or her designee (executive director) to collect data related to the formulary and cooperative purchasing for the formulary. The executive director shall use the data collected to prepare annual reports to the general assembly on which entities are or could be using the formulary, which entities are or could be using cooperative purchasing, a list of medications purchased through the formulary and cooperative purchasing, and a breakdown of usage of the formulary and cooperative purchasing by provider type.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 70 to title
3 27 as follows:

4 **ARTICLE 70**

5 **Medication Consistency for Persons with Mental Illness**
6 **in the Criminal and Juvenile Justice Systems**

7 **27-70-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 FINDS AND DECLARES THAT:

9 (a) THE LACK OF MEDICATION CONSISTENCY FOR INDIVIDUALS
10 WITH MENTAL ILLNESS WHO ARE INVOLVED IN THE CRIMINAL AND
11 JUVENILE JUSTICE SYSTEMS CREATES ADDITIONAL, OFTEN SERIOUS,
12 PROBLEMS FOR THESE INDIVIDUALS;

13 (b) IT IS CRITICAL THAT THE STATE INCREASE THE LIKELIHOOD
14 THAT A BROAD SPECTRUM OF EFFECTIVE MEDICATIONS, INCLUDING
15 PSYCHOTROPIC MEDICATIONS, ARE AVAILABLE TO THESE INDIVIDUALS,
16 REGARDLESS OF SETTING OR SERVICE PROVIDER;

17 (c) BY WORKING COOPERATIVELY WITH THE CRIMINAL AND
18 JUVENILE JUSTICE SYSTEMS AND MENTAL HEALTH SERVICE PROVIDERS,
19 THE STATE CAN HELP ENSURE MEDICATION CONSISTENCY AND ALSO
20 DECREASE OVERALL STATE COSTS THROUGH THE USE OF A COMMON AND
21 AGREED UPON MEDICATION FORMULARY AND A GROUP PURCHASING
22 ORGANIZATION;

23 (d) THE MEDICATION CONSISTENCY WORK GROUP OF THE
24 BEHAVIORAL HEALTH TRANSFORMATION COUNCIL IDENTIFIED MENTAL
25 HEALTH MEDICATIONS THAT ARE ESSENTIAL AND PREFERRED FOR A BASIC
26 MEDICATION FORMULARY THAT COULD BE USED ACROSS ALL PUBLIC

1 SYSTEMS TO INCREASE MEDICATION CONTINUITY FOR PERSONS WITH
2 MENTAL ILLNESS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS; AND

3 (e) INCREASING INFORMATION SHARING ACROSS SYSTEMS AND
4 SERVICE PROVIDERS ABOUT THE IMPORTANCE OF MEDICATION
5 CONSISTENCY AND THE USE OF A COMMON AND AGREED UPON MEDICATION
6 FORMULARY AND A GROUP PURCHASING ORGANIZATION WILL RESULT IN
7 LONG-TERM BENEFITS FOR THE STATE AND FOR PERSONS WITH MENTAL
8 ILLNESS WHO ARE INVOLVED IN THE CRIMINAL AND JUVENILE JUSTICE
9 SYSTEMS.

10 **27-70-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES
13 CREATED IN SECTION 26-1-105.

14 (2) "FACILITY" MEANS A PUBLIC HOSPITAL OR A LICENSED PRIVATE
15 HOSPITAL, FEDERALLY QUALIFIED HEALTH CARE CENTER, CLINIC,
16 COMMUNITY MENTAL HEALTH CENTER OR CLINIC, INSTITUTION, ACUTE
17 TREATMENT UNIT, JAIL, FACILITY OPERATED BY THE DEPARTMENT OF
18 CORRECTIONS, OR A FACILITY OPERATED BY THE DIVISION OF YOUTH
19 CORRECTIONS.

20 (3) "MEDICATION FORMULARY" MEANS THE MEDICATION
21 FORMULARY ESTABLISHED PURSUANT TO SECTION 27-70-103 FOR USE BY
22 PROVIDERS.

23 (4) "PROVIDER" MEANS ANY PERSON, FACILITY, OR GOVERNMENT
24 ENTITY RESPONSIBLE FOR PROVIDING MENTAL HEALTH SERVICES RELATED
25 TO THE CARE AND TREATMENT OF A PERSON WITH MENTAL ILLNESS WHO
26 IS OR WAS INVOLVED WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM.

27 (5) "UNIT", ALSO KNOWN AS THE "OFFICE OF BEHAVIORAL

HEALTH", MEANS THE UNIT IN THE DEPARTMENT THAT ADMINISTERS
BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE
RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE.

**27-70-103. Medication consistency for persons with mental
illness in the criminal and juvenile justice systems - medication
formulary - group purchasing organization.** (1) (a) BEGINNING JULY

1, 2017, THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF
CORRECTIONS SHALL PROMULGATE RULES THAT REQUIRE PROVIDERS
UNDER EACH DEPARTMENT'S AUTHORITY TO USE A MEDICATION
FORMULARY THAT HAS BEEN DEVELOPED COLLABORATIVELY BY
DEPARTMENTS, AGENCIES, AND PROVIDERS. THE DEPARTMENTS SHALL
ALSO DEVELOP PROCESSES FOR EDUCATION AND MARKETING RELATED TO
INFORMATION REGARDING THE MEDICATION FORMULARY AND
PURCHASING OPPORTUNITIES FOR FACILITIES AND PROVIDERS.

(b) ON OR BEFORE JULY 1, 2018, AND EVERY JULY 1 OF EVERY
EVEN-NUMBERED YEAR THEREAFTER, THE UNIT SHALL CONDUCT A REVIEW
OF THE MEDICATION FORMULARY TO ADDRESS ANY URGENT CONCERNS
RELATED TO THE FORMULARY AND TO PROPOSE UPDATES TO THE
FORMULARY. DURING THIS REVIEW, THE UNIT SHALL ALSO CREATE THE
APPROPRIATE NOTIFICATION PROCESS FOR UPDATES TO THE FORMULARY.

(c) ON OR BEFORE JULY 1, 2019, AND EVERY TWO YEARS
THEREAFTER AS NECESSARY, THE UNIT SHALL CONDUCT A REVIEW OF THE
MEDICATION FORMULARY TO UPDATE THE MEDICATION FORMULARY AND
ENSURE COMPLIANCE WITH THE MEDICAID FORMULARY USED BY THE
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(2) (a) FOR THE SOLE PURPOSE OF ENSURING MEDICATION
CONSISTENCY FOR PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL AND

1 JUVENILE JUSTICE SYSTEMS, THE DEPARTMENT OF CORRECTIONS,
2 COUNTIES, THE DIVISION OF YOUTH CORRECTIONS, COMMUNITY MENTAL
3 HEALTH CENTERS, AND OTHER PROVIDERS SHALL SHARE PATIENT-SPECIFIC
4 MENTAL HEALTH AND TREATMENT INFORMATION. ALL SUCH INFORMATION
5 SHARING MUST COMPLY WITH CONFIDENTIALITY REQUIREMENTS,
6 INCLUDING ANY NECESSARY MEMORANDUMS OF UNDERSTANDING
7 BETWEEN PROVIDERS, SET FORTH IN THE FEDERAL "HEALTH INSURANCE
8 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 45 CFR PARTS 2, 160,
9 162, AND 164.

10 (b) THE UNIT, IN COLLABORATION WITH MULTIPLE PROVIDERS,
11 SHALL DEVELOP A PROCESS BY WHICH THE PATIENT-SPECIFIC
12 INFORMATION REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION CAN BE
13 SHARED ELECTRONICALLY, WHILE STILL IN COMPLIANCE WITH
14 CONFIDENTIALITY REQUIREMENTS, INCLUDING ANY NECESSARY
15 MEMORANDUMS OF UNDERSTANDING BETWEEN PROVIDERS, SET FORTH IN
16 THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY
17 ACT OF 1996", 45 CFR PARTS 2, 160, 162, AND 164.

18 (3) (a) THE UNIT SHALL ENCOURAGE PROVIDERS THAT HAVE BEEN
19 GRANTED PURCHASING AUTHORITY BY THE DEPARTMENT OF PERSONNEL
20 PURSUANT TO SECTION 24-102-204 TO UTILIZE COOPERATIVE PURCHASING
21 FOR THE MEDICATION FORMULARY, AS AUTHORIZED PURSUANT TO
22 SECTION 24-110-201, UNLESS THE PROVIDER CAN OBTAIN THE MEDICATION
23 ELSEWHERE AT A LOWER COST. THE USE OF COOPERATIVE PURCHASING
24 MAY, AND IS ENCOURAGED TO, INCLUDE EXTERNAL PROCUREMENT
25 ACTIVITY, AS DEFINED IN SECTION 24-110-101 (2), IF THE EXTERNAL
26 PROCUREMENT ACTIVITY AGGREGATES PURCHASING VOLUME TO
27 NEGOTIATE DISCOUNTS WITH MANUFACTURERS, DISTRIBUTORS, AND

1 OTHER VENDORS.

2 (b) ANY EXTERNAL PROCUREMENT ACTIVITY, AS DEFINED IN
3 SECTION 24-110-101 (2), USED BY PROVIDERS FOR PURPOSES OF THIS
4 ARTICLE IS ENCOURAGED TO INCLUDE AN ONGOING DRUG UTILIZATION
5 REVIEW PROCESS. THE PURPOSE OF THE REVIEW PROCESS IS TO HELP
6 ENSURE A STRUCTURED, ONGOING REVIEW OF HEALTH CARE PROVIDER
7 PRESCRIBING, PHARMACIST DISPENSING, AND PATIENT USE OF MEDICATION.
8 THE REVIEW MUST INCLUDE A COMPREHENSIVE ANALYSIS OF PATIENTS'
9 PRESCRIPTION AND MEDICATION DATA TO HELP ENSURE APPROPRIATE
10 MEDICATION DECISION-MAKING AND POSITIVE PATIENT OUTCOMES BY
11 PROVIDING EDUCATIONAL FEEDBACK TO PROVIDERS ON APPROPRIATE
12 MEDICATION UTILIZATION.

13 (4) THE UNIT SHALL DEVELOP AND STUDY THE POTENTIAL FOR A
14 PILOT PROGRAM, BASED ON A HEALTH HOME MODEL, THAT INCLUDES THE
15 COOPERATION OF A FEDERALLY QUALIFIED HEALTH CARE CENTER, A
16 COUNTY JAIL, AND A COUNTY MENTAL HEALTH CARE PROVIDER. THE
17 PURPOSE OF ANY SUCH PILOT PROGRAM IS TO DETERMINE IF SUCH A
18 PARTNERSHIP CAN INCREASE CONTINUITY OF CARE AND MAXIMIZE THE
19 BENEFITS OF THE FEDERAL "340B DRUG DISCOUNT PROGRAM",
20 ESTABLISHED IN THE FEDERAL "PUBLIC HEALTH SERVICE ACT", PUB. L.
21 78-410, AS WELL AS ACHIEVE OTHER COST REDUCTIONS FOR THE
22 INVOLVED PARTIES AND IMPROVED HEALTH FOR THE CLIENTS.

23 **SECTION 2.** In Colorado Revised Statutes, add 24-110-209 as
24 follows:

25 **24-110-209. Mental health care in justice systems - medication**
26 **formulary - review and reports.** (1) BEGINNING JULY 1, 2017, THE
27 EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL COLLECT

1 INFORMATION CONCERNING THE TYPE, COST, AND QUANTITY OF
2 MEDICATIONS AND PURCHASING AUTHORITIES TAKING PART IN THE
3 MEDICATION FORMULARY AND COOPERATIVE PURCHASING ESTABLISHED
4 AND AUTHORIZED PURSUANT TO SECTION 27-70-103 TO PROVIDE
5 MEDICATION CONSISTENCY TO PERSONS WITH MENTAL ILLNESS WHO ARE
6 IN THE CRIMINAL OR JUVENILE JUSTICE SYSTEMS.

7 (2) ON OR BEFORE SEPTEMBER 1, 2018, AND EVERY SEPTEMBER 1
8 THEREAFTER, THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE,
9 TOGETHER WITH THE DEPARTMENT OF HUMAN SERVICES, SHALL PROVIDE
10 AN ANNUAL REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF
11 THE SENATE AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES
12 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
13 COMMITTEES, BASED ON THE INFORMATION COLLECTED PURSUANT TO
14 SUBSECTION (1) OF THIS SECTION. THE REPORT MUST INCLUDE, AT A
15 MINIMUM:

16 (a) A LIST OF THE RELEVANT ENTITIES THAT ARE, OR COULD BE,
17 USING THE MEDICATION FORMULARY;

18 (b) A LIST OF THE RELEVANT ENTITIES THAT ARE, OR COULD BE,
19 UTILIZING COOPERATIVE PURCHASING;

20 (c) A LIST OF MEDICATIONS PURCHASED BY THE RELEVANT
21 ENTITIES UTILIZING COOPERATIVE PURCHASING, NOT INCLUDING
22 DISPENSING AND OTHER COSTS RELATED TO PACKAGING; AND

23 (d) A DESCRIPTION OF THE UTILIZATION OF THE MEDICATION
24 FORMULARY AND COOPERATIVE PURCHASING BY PROVIDER TYPE,
25 INCLUDING COMMUNITY MENTAL HEALTH CENTERS, COUNTY JAILS, STATE
26 HOSPITALS, AND DEPARTMENT OF CORRECTIONS AND DIVISION OF YOUTH
27 CORRECTIONS FACILITIES.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety. <{**Safety clause OK?**
4 **If not, need to change some of the dates in the bill.**>



**Colorado
Legislative
Council
Staff**

Bill 2

FISCAL NOTE

FISCAL IMPACT: ☒ State ☒ Local ☐ Statutory Public Entity ☐ Conditional ☐ No Fiscal Impact

Drafting Number: LLS 17-0148
Prime Sponsor(s):

Date: October 4, 2016
Bill Status: Legislative Oversight Committee
Concerning the Treatment of Persons
with Mental Illness in the Criminal and
Juvenile Justice Systems Bill Request

Fiscal Analyst: Bill Zepernick (303-866-4777)

BILL TOPIC: MEDICATION MENTAL ILLNESS IN JUSTICE SYSTEMS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	<u>\$540,575</u>	<u>\$126,057</u>
General Fund	526,726	110,811
Centrally Appropriated Costs	13,849	15,246
FTE Position Change	0.9 FTE	1.0 FTE
Appropriation Required: \$526,726 - Multiple agencies (FY 2017-18).		
Future Year Impacts: Ongoing expenditure increase.		

Summary of Legislation

The bill, *requested by the Legislative Oversight Committee on the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems*, requires the Office of Behavioral Health in the Department of Human Services (DHS) to:

- promulgate rules, along with the Department of Corrections (DOC), to require providers under each agency's authority to use an agreed-upon formulary;
- conduct regular reviews of medication to address urgent concerns, make updates, and assess compliance with the new formulary and the Medicaid formulary used by the Department of Health Care Policy and Financing;
- develop a process for the Office of Behavioral Health and providers to electronically share patient-specific mental health and treatment information across systems;
- encourage providers to utilize cooperative purchasing from the formulary to maximize cost savings; and
- develop and study the potential for a pilot program based on a home health model involving a federally qualified health center.

In addition, the bill requires the DOC, county jails, community mental health centers, the Division of Youth Corrections in the DHS, and other providers to share patient-specific mental health care and treatment information, provided that federal and state confidentiality requirements are met, including the federal Health Insurance Portability and Accountability Act (HIPAA). The Office of Behavioral Health is required to collect data and report annually to the General Assembly on use of the formulary and collective purchasing.

State Expenditures

The bill increases General Fund costs in the DHS and the Office of Information Technology by \$540,575 and 0.9 FTE in FY 2017-18 and \$126,057 and 1.0 FTE in FY 2018-19 and future years. The bill also affects workload in several other agencies and institutions. These impacts are summarized in Table 1 and described below.

Table 1. Expenditures Under Bill 2		
Cost Components	FY 2017-18	FY 2018-19
Personal Services	\$76,873	\$83,861
FTE	0.9 FTE	1.0 FTE
Operating Expenses and Capital Outlay Costs	5,653	950
Consultant Services	24,000	24,000
Outreach Material	2,000	2,000
Information Technology Services	418,200	0
Centrally Appropriated Costs*	13,849	15,246
TOTAL	\$540,575	\$126,057

* Centrally appropriated costs are not included in the bill's appropriation.

Personal services. To oversee implementation and ongoing review and management of the new formulary for mental health-related medication, the DHS requires an additional 1.0 FTE at a cost of \$83,861 per year. Standard operating and capital outlay expenses are included for this new staff. First-year costs and FTE are prorated to reflect the General Fund paydate shift and assume a July 1, 2017, start date.

Other formulary costs. The DHS will have costs of \$24,000 per year for medical consultant services related to the development and monitoring of the medication formulary. This cost is based on 120 hours of consultant services at a rate of \$200 per hour. The DHS will also have costs of \$2,000 per year to create and disseminate outreach material to providers and staff concerning the use of the formulary.

Information technology services. To facilitate the electronic sharing of patient-specific mental health care and treatment information, the DHS will have one-time costs of \$418,200 in FY 2017-18 for contract staff to design, implement, and support the use of encrypted email services among state agency staff and mental health care providers. This work will be managed by the Office of Information Technology (OIT) using reappropriated funds from the DHS. The use of an email-based system is assumed to be the least-cost solution for implementing the bill's information sharing requirement. Should the General Assembly wish to consider a more robust technology solution, the costs for establishing a centralized database for sharing patient information is discussed in the Departmental Difference section below.

Department of Personnel and Administration. The bill may increase workload in the Department of Personnel and Administration (DPA) to administer group purchasing by mental health providers. Assuming the DPA may use its existing pharmaceutical group purchasing agreement for this purpose, any workload impact is assumed to be minimal.

Correctional facilities. To the extent that the new formulary differs from the existing formulary used by the DOC and the Division of Youth Corrections in the DHS, costs for offender medical services may increase or decrease. However, assuming any differences between the formulary are minor, no significant impact is expected. Workload in the DOC and the Division of Youth Corrections may increase for its staff to share patient medical records with other agencies and providers.

Institutions of Higher Education. Certain requirements of the bill, including information sharing on patients, apply to public hospitals and clinics operated by institutions of higher education. Workload in these facilities may increase for their staff to share patient medical records with other agencies and providers.

Rulemaking. The DHS and DOC will have additional workload to promulgate rules under the bill. It is assumed that this work can be managed by the new FTE in the DHS discussed above and that the legal service costs can be absorbed within the existing appropriations to these agencies. Correspondingly, the Department of Law may have a small increase in workload to provide legal services to the affected departments.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under Bill 2		
Cost Components	FY 2017-18	FY 2018-19
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$6,961	\$7,732
Supplemental Employee Retirement Payments	6,888	7,514
TOTAL	\$13,849	\$15,246

Local Government Impact

County jails may have additional workload to share patient information electronically as required by the bill. In addition, certain requirements of the bill, including information sharing about patients, may apply to clinics operated by school districts and public hospitals operated by local governments. Workload in these facilities may increase for their staff to share patient medical records with other agencies and providers. While it is assumed affected local government agencies and facilities will utilize the secure email process created by OIT, the exact impact is not known at this time.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2017-18, the bill requires a General Fund appropriation of \$526,726 to the Department of Human Services and an allocation of 0.9 FTE. Of this amount, \$418,200 is reappropriated to the Office of Information Technology.

Departmental Difference

The Office of Information Technology estimates that its costs under the bill will be \$2.3 million and 3.0 FTE in FY 2017-18 and \$1.5 million and 3.0 FTE in FY 2018-19 and future years. These costs would allow the Office of Information Technology to establish a centralized, secure database for sharing of medication and treatment records electronically. While the fiscal note recognizes the advantages of this more expensive approach, the fiscal note currently recommends the lower cost alternative that would meet the requirements of the bill.

State and Local Government Contacts

Corrections
Human Services
Law
Sheriffs

Counties
Information Technology
Personnel

Health Care Policy and Financing
Judicial
Public Safety

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL 3

LLS NO. 17-0149.01 Jane Ritter x4342

INTERIM COMMITTEE BILL

**Legislative Oversight Committee Concerning the Treatment of Persons
with Mental Illness in the Criminal and Juvenile Justice Systems**

A BILL FOR AN ACT

101 **CONCERNING COMPETENCY RESTORATION SERVICES FOR DEFENDANTS**
102 **DEEMED INCOMPETENT TO PROCEED.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems. The bill addresses various issues relating to the restoration of competency for juveniles and adults in the juvenile and criminal justice systems, including:

- Requiring the court to consider whether restoration to

Shading denotes HOUSE amendment; Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

- competency services should occur on an outpatient basis if the defendant is on bond or summons;
- Requiring that, in addition to providing competency restoration services in the least restrictive environment, the provision of such services and a juvenile's participation in those services occur and are reviewed by the court in a timely manner;
- Establishing the unit within the department of human services that administers behavioral health programs and services, including those relating to mental health and substance abuse, also known as the office of behavioral health (office), as the entity responsible for the oversight of restoration education and the coordination services necessary to competency restoration; and
- Setting forth the duties of the office related to competency restoration services and education.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 16-8.5-111, **amend**
3 (2)(a) as follows:

4 **16-8.5-111. Procedure after determination of competency or**
5 **incompetency.** (2) If the final determination made pursuant to section
6 16-8.5-103 is that the defendant is incompetent to proceed, the court has
7 the following options:

8 (a) IF THE DEFENDANT IS ON BOND OR SUMMONS, THE COURT
9 SHALL CONSIDER WHETHER RESTORATION TO COMPETENCY SHOULD
10 OCCUR ON AN OUTPATIENT AND OUT-OF-CUSTODY BASIS. If the defendant
11 is in custody, the court may release the defendant on bond upon
12 compliance with the standards and procedures for such release prescribed
13 by statute and by the Colorado rules of criminal procedure. As a condition
14 of bond, the court may require the defendant to obtain any treatment or
15 habilitation services that are available to the defendant, such as inpatient
16 or outpatient treatment at a community mental health center or in any

1 other appropriate treatment setting, as determined by the court. Nothing
2 in this section authorizes the court to order community mental health
3 centers or other providers to provide treatment for persons not otherwise
4 eligible for these services. At any hearing to determine eligibility for
5 release on bond, the court shall consider any effect the defendant's
6 incompetency may have on the court's ability to ensure the defendant's
7 presence for hearing or trial. There ~~shall be~~ IS a presumption that the
8 ~~incompetency of the defendant~~ DEFENDANT'S INCOMPETENCY will inhibit
9 the DEFENDANT'S ability ~~of the defendant~~ to ensure his or her presence for
10 trial. PURSUANT TO SECTION 27-60-104, THE UNIT IN THE DEPARTMENT
11 THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES,
12 INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE,
13 ALSO KNOWN AS THE OFFICE OF BEHAVIORAL HEALTH, IS THE ENTITY
14 RESPONSIBLE FOR THE OVERSIGHT OF RESTORATION EDUCATION AND
15 COORDINATION OF SERVICES NECESSARY TO COMPETENCY RESTORATION.

16 **SECTION 2.** In Colorado Revised Statutes, 19-2-1303, **amend**
17 (2) as follows:

18 **19-2-1303. Procedure after determination of competency or**
19 **incompetency.** (2) If the court finally determines pursuant to section
20 19-2-1302 that the juvenile is incompetent to proceed, but may be
21 restored to competency, the court shall stay the proceedings and order that
22 the juvenile receive services designed to restore the juvenile to
23 competency, based upon recommendations in the competency evaluation
24 unless the court makes specific findings that the recommended services
25 in the competency evaluation are not justified. The court shall order that
26 the restoration services ordered are provided in the least restrictive
27 environment, taking into account the public safety and the best interests

1 of the juvenile, AND THAT THE PROVISION OF THE SERVICES AND THE
2 JUVENILE'S PARTICIPATION IN THOSE SERVICES OCCURS IN A TIMELY
3 MANNER. The court shall review the PROVISION OF AND THE JUVENILE'S
4 PARTICIPATION IN THE SERVICES AND THE juvenile's progress toward
5 competency at least every ninety days until competency is restored,
6 UNLESS THE JUVENILE IS IN CUSTODY, IN WHICH EVENT THE COURT SHALL
7 REVIEW THE CASE EVERY THIRTY DAYS TO ENSURE THE PROMPT PROVISION
8 OF SERVICES IN THE LEAST RESTRICTIVE ENVIRONMENT. The court shall
9 not maintain jurisdiction longer than the maximum possible sentence for
10 the original offense, unless the court makes specific findings of good
11 cause to retain jurisdiction. However, ~~in no case shall~~ the juvenile court's
12 jurisdiction SHALL NOT extend beyond the juvenile's twenty-first birthday.
13 PURSUANT TO SECTION 27-60-104, THE UNIT IN THE DEPARTMENT OF
14 HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS
15 AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND
16 SUBSTANCE ABUSE, ALSO KNOWN AS THE OFFICE OF BEHAVIORAL HEALTH,
17 IS THE ENTITY RESPONSIBLE FOR THE OVERSIGHT OF RESTORATION
18 EDUCATION AND COORDINATION OF SERVICES NECESSARY TO
19 COMPETENCY RESTORATION.

20 **SECTION 3.** In Colorado Revised Statutes, **add** 27-60-104 as
21 follows:

22 **27-60-104. Outpatient restoration to competency services -**
23 **legislative declaration - responsible entity - duties - report.** (1) THE
24 GENERAL ASSEMBLY FINDS AND DECLARES THAT:

25 (a) COLORADO'S STATUTORY SCHEME DOES NOT DESIGNATE AN
26 ENTITY RESPONSIBLE FOR COMPETENCY RESTORATION SERVICES, NOR
27 DOES IT PROVIDE A SUFFICIENT FRAMEWORK FOR THE PROVISION OF

1 OUTPATIENT RESTORATION SERVICES TO ADULTS OR JUVENILES. AS A
2 RESULT, THERE HAVE BEEN DEFICITS AND INCONSISTENCIES IN THE
3 ADMINISTRATION OF THE EDUCATIONAL COMPONENT OF OUTPATIENT
4 COMPETENCY RESTORATION SERVICES AND THE COORDINATION AND
5 INTEGRATION OF THAT COMPONENT WITH EXISTING SERVICES AND
6 SUPPORTS TO ADDRESS THE UNDERLYING CAUSES OF INCOMPETENCY.

7 (b) THE LACK OF A DESIGNATED RESPONSIBLE ENTITY FOR
8 COMPETENCY RESTORATION SERVICES IN COLORADO HAS CAUSED
9 INCONSISTENCY IN COMPETENCY RESTORATION SERVICES THROUGHOUT
10 THE STATE AND DELAYS IN PROCEEDINGS THAT IMPACT THE DUE PROCESS
11 RIGHTS OF JUVENILES AND ADULTS INVOLVED IN THE JUVENILE AND
12 CRIMINAL JUSTICE SYSTEMS, AS WELL AS THE INTERESTS OF VICTIMS;

13 (c) COMPETENCY RESTORATION SERVICES MUST BE LOCALIZED
14 AND ACCESSIBLE AND TAKE INTO ACCOUNT THE PUBLIC SAFETY, WHILE
15 STILL ALLOWING FOR STATE-LEVEL STANDARDS AND OVERSIGHT;

16 (d) COMPETENCY RESTORATION SERVICES FOR JUVENILES MUST BE
17 PROVIDED IN THE LEAST RESTRICTIVE ENVIRONMENT, WHILE TAKING INTO
18 ACCOUNT THE PUBLIC SAFETY AND THE BEST INTERESTS OF THE JUVENILE;
19 AND

20 (e) MANY SERVICES ESSENTIAL TO THE RESTORATION OF
21 COMPETENCY CAN BE PROVIDED THROUGH EXISTING PROGRAMS USING
22 EXISTING FUNDING. HOWEVER, THE CURRENT SYSTEM LACKS FUNDING
23 AND RESPONSIBILITY FOR THE EDUCATIONAL COMPONENT OF COMPETENCY
24 RESTORATION SERVICES AND CASE MANAGEMENT TO ACCESS AND
25 LEVERAGE AVAILABLE SERVICES AND SUPPORTS WHICH, COMBINED, WILL
26 HELP ENSURE AN INTEGRATED APPROACH TO COMPETENCY RESTORATION
27 FOR JUVENILES AND ADULTS.

1 (2) THE UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT
2 ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING
3 THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, ALSO
4 KNOWN AS THE OFFICE OF BEHAVIORAL HEALTH AND REFERRED TO IN THIS
5 SECTION AS THE "OFFICE", SHALL SERVE AS A CENTRAL ORGANIZING
6 STRUCTURE AND RESPONSIBLE ENTITY FOR THE PROVISION OF
7 COMPETENCY RESTORATION EDUCATION SERVICES AND COORDINATION OF
8 COMPETENCY RESTORATION SERVICES ORDERED BY THE COURT PURSUANT
9 TO SECTION 19-2-1303 (2) OR 16-8.5-111 (2)(a).

10 (3) THE OFFICE HAS THE FOLLOWING DUTIES AND
11 RESPONSIBILITIES:

12 (a) TO OVERSEE PROVIDERS OF THE EDUCATION COMPONENT OF
13 COMPETENCY RESTORATION SERVICES, INCLUDING:

14 (I) ESTABLISHING AND ENFORCING QUALIFICATIONS OF
15 COMPETENCY RESTORATION EDUCATORS, INCLUDING MINIMUM AND
16 ONGOING TRAINING REQUIREMENTS;

17 (II) EVALUATING MODELS FOR THE DELIVERY OF COMPETENCY
18 RESTORATION EDUCATION IN A MANNER THAT MAXIMIZES AND EXPANDS
19 ON AVAILABLE RESOURCES WHILE MINIMIZING COSTS TO THE STATE; AND

20 (III) MAINTAINING AN ADEQUATE POOL OF COMPETENCY
21 RESTORATION PROVIDERS, AS DEFINED BY:

22 (A) QUALIFICATIONS AND TRAINING;

23 (B) GEOGRAPHICAL ACCESSIBILITY, IN LIGHT OF THE GOAL OF
24 ENSURING COMMUNITY-BASED RESTORATION IN THE LEAST RESTRICTIVE
25 ENVIRONMENT THROUGHOUT THE STATE; AND

26 (C) ABILITY TO PROVIDE CULTURALLY COMPETENT AND
27 DEVELOPMENTALLY APPROPRIATE COMPETENCY RESTORATION EDUCATION

1 TAILORED TO AN INDIVIDUAL'S UNIQUE NEEDS;

2 (b) To DEVELOP MODELS FOR PROVIDING COMPETENCY
3 RESTORATION SERVICES THAT INTEGRATE COMPETENCY RESTORATION
4 EDUCATION WITH OTHER CASE MANAGEMENT AND TREATMENT, ENSURE
5 CONTINUATION OF ONGOING TREATMENT AND SERVICES AS APPROPRIATE,
6 AVOID DUPLICATION OF SERVICES, AND ACHIEVE EFFICIENCIES BY
7 COORDINATING WITH EXISTING COMMUNITY RESOURCES AND PROGRAMS;

8 (c) To PRESERVE THE INTEGRITY OF THE COMPETENCY
9 EVALUATION PROCESS BY ENSURING THAT COMPETENCY RESTORATION
10 EDUCATORS OPERATE INDEPENDENTLY FROM COMPETENCY EVALUATORS
11 AT THE CASE LEVEL;

12 (d) To DEVELOP STANDARDIZED JUVENILE AND ADULT CURRICULA
13 FOR THE EDUCATIONAL COMPONENT OF COMPETENCY RESTORATION
14 SERVICES THAT CAN BE TAILORED IN A CONTENT AND DELIVERY
15 MECHANISM TO MEET INDIVIDUAL NEEDS;

16 (e) To ENGAGE WITH KEY STAKEHOLDERS IN THE JUVENILE AND
17 ADULT JUSTICE SYSTEMS TO DEVELOP BEST PRACTICES IN THE DELIVERY
18 OF COMPETENCY RESTORATION SERVICES; AND

19 (f) To MAKE RECOMMENDATIONS FOR LEGISLATION.

20 (4) ON OR BEFORE JANUARY 1, 2019, AND EVERY JANUARY 1
21 THEREAFTER, THE OFFICE SHALL SUBMIT AN ANNUAL WRITTEN REPORT TO
22 THE GENERAL ASSEMBLY SUMMARIZING THE OFFICE'S PROVISION OF
23 COMPETENCY RESTORATION EDUCATION AND ITS EFFORTS TOWARD THE
24 COORDINATION OF COMPETENCY RESTORATION EDUCATION WITH OTHER
25 EXISTING SERVICES. THE REPORT MUST INCLUDE:

26 (a) DATA ON THE NUMBER OF INDIVIDUALS ORDERED TO
27 COMPETENCY RESTORATION SERVICES, THE AVERAGE TIME FRAME FOR

1 BEGINNING AND ENDING SUCH SERVICES, THE TYPES OF SETTINGS IN WHICH
2 COMPETENCY RESTORATION SERVICES ARE PROVIDED, AND THE OUTCOMES
3 OF SUCH SERVICES;

4 (b) A DESCRIPTION OF THE OFFICE'S ENGAGEMENT WITH
5 COMMUNITY PARTNERS TO COORDINATE COMPETENCY RESTORATION
6 SERVICES IN AN EFFECTIVE AND EFFICIENT MANNER;

7 (c) IDENTIFICATION OF BEST AND PROMISING PRACTICES FOR
8 EDUCATION AND COORDINATION OF COMPETENCY RESTORATION SERVICES;

9 (d) A DESCRIPTION OF OPPORTUNITIES TO MAXIMIZE AND INCREASE
10 AVAILABLE RESOURCES AND FUNDING; AND

11 (e) A DESCRIPTION OF GAPS IN AND CONFLICTS WITH EXISTING
12 FUNDING, SERVICES, AND PROGRAMMING ESSENTIAL TO THE EFFECTIVE
13 RESTORATION OF COMPETENCY FOR JUVENILES AND ADULTS.

14 **SECTION 4. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2018 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.



Colorado
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Attachment I

Bill 3

FISCAL NOTE

FISCAL IMPACT: ☒ State ☐ Local ☐ Statutory Public Entity ☐ Conditional ☐ No Fiscal Impact

Drafting Number: LLS 17-0149
Prime Sponsor(s):

Date: October 4, 2016
Bill Status: Legislative Oversight Committee
Concerning the Treatment of
Persons with Mental Illness in the
Criminal and Juvenile Justice
Systems Bill Request

Fiscal Analyst: Chris Creighton (303-866-5834)

BILL TOPIC: COMPETENCY RESTORATION SERVICES AND EDUCATION

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	<u>\$1,633,216</u>	<u>\$1,811,120</u>
General Fund	1,602,630	1,770,845
Centrally Appropriated Costs	30,586	40,275
FTE Position Change	3.0 FTE	3.0 FTE
Appropriation Required: \$1,602,630 - Department of Human Services (FY 2017-18).		
Future Year Impacts: Ongoing state expenditure increase.		

Summary of Legislation

This bill, ***requested by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems***, establishes the Office of Behavioral Health in the Department of Human Services (DHS) as the agency responsible for restoration education and the coordination of competency restoration services. It sets forth the duties, responsibilities, and reporting requirements of the office.

Under current law, restoration services are to be provided in the least restrictive environment. This bill adds the requirement that provision of restoration services and a juvenile's participation occurs in a timely manner. Under current law, the court must review a juvenile's progress toward competency at least every 90 days. For juveniles in custody, this bill requires the court to review their case every 30 days.

This bill also directs the court to consider whether restoration of competency should occur on an outpatient basis for defendants on bond or summons.

Background

Under current law, a defendant found to be incompetent to proceed may be released on bond with treatment or habilitation services at a community mental health center being required. If the court determines that the defendant is not eligible for release it may commit the defendant to the custody of the DHS. Juveniles found to be incompetent to proceed are ordered by the court to receive services designed to restore competency in the least-restrictive manner possible while taking public safety into consideration.

The DHS is authorized to designate the state facility at which the defendant will be held for care. Restoration services are currently provided through the Colorado Mental Health Institute at Pueblo (CMHIP) or through a contract with services provided at the Arapahoe County jail. In FY 2015-16, there were 671 competency restoration orders issued by Colorado courts, with 450 inpatient restorations and 221 outpatient restorations.

Assumptions. This fiscal note is based on the following assumptions:

- the average length of stay in the restoration program will be 165 days;
- 334 competency clients will be served annually, with an average of 151 being served on any given day; and
- the number of outpatient restorations will increase, however a corresponding decrease in inpatient beds will not occur due to high demand for inpatient competency restoration.

It is assumed that the actual average length of stay, number of competency clients served, and inpatient bed needs will be evaluated annually by the Office of Behavioral Health and any changes in appropriations will be addressed through the annual budget process.

State Expenditures

This bill increases state General Fund expenditures in the Department of Human Services by \$1,633,216 and 3.0 FTE in FY 2017-18 and \$1,811,120 and 3.0 FTE in FY 2018-19. This bill also increases workload in the Office of Information Technology (OIT) and the Judicial Department. These impacts are shown in Table 1 and discussed below.

Table 1. Expenditures Under Bill 3		
Cost Components	FY 2017-18	FY 2018-19
Personal Services	\$143,811	\$191,747
FTE	3.0 FTE	3.0 FTE
Operating Expenses and Capital Outlay Costs	16,959	2,850
Competency Education/Case Manager Contract Staff	1,333,920	1,531,248
Competency Restoration Curriculum	77,940	15,000
Training	30,000	30,000
Centrally Appropriated Costs*	30,586	40,275
TOTAL	\$1,633,216	\$1,811,120

* Centrally appropriated costs are not included in the bill's appropriation.

Personal services. Beginning in FY 2017-18, 3.0 FTE is needed in the Office of Behavioral Health. This includes a program manager, program coordinator, and analyst and assumes a September 1, 2017, start date with the General Fund payday shift applied to the first year. The program manager will oversee outpatient and inpatient restoration services provided by the DHS, manage the educators/case management contract, establish adult and juvenile restoration education curriculum, and be responsible for future reporting to the General Assembly. The program coordinator will work with the educators/case managers to ensure proper training, independent operation from competency evaluators, and the use of best practices. The analyst will coordinate the sharing of data between DHS, the Judicial Department, the CMHIP, and community health centers and produce program reports. This fiscal note assumes it will take two years to implement competency restoration education services and the provision of competency restoration which includes developing standardized curriculum, establishing models integrating competency restoration education with case management and treatment, and determining best practices. Once this program is fully established, staffing levels will be reassessed and any change in appropriations will be addressed through the annual budget process.

Competency education/case management contract staff. This bill requires education providers to be independent from competency evaluators and therefore contract staff is needed to provide education services and coordinate behavioral health and medical services. Assuming an eight to one ratio of clients to educators/case managers and 151 clients per day, 19 contract FTE are needed. Contract costs for contract staff include salary, benefits, operating expenses, and contract administrative costs and are prorated in FY 2017-18 assuming a September 1, 2017, contract start date. DHS will select the contractor through the request for proposal (RFP) process.

Competency curriculum development. For FY 2017-18, \$77,940 is needed for the development of competency restoration curriculum. Beginning in FY 2018-19 and each year thereafter, \$15,000 is needed to evaluate models for the delivery of competency restoration education and to update the curriculum to ensure best practices are being utilized.

Training. Beginning in FY 2017-18, and each year thereafter, \$30,000 is needed for training. This includes subject matter expert and forensic-based training and assumes three training sessions will occur twice per year.

Judicial Department. This bill is expected to increase workload in the trial courts for competency hearings by a minimal amount. This increase can be accomplished within existing appropriations.

Office of Information Technology. This bill increases Office of Information Technology workload to create and maintain a new restoration services reporting category within the Encounters. This increase in workload is minimal and can be accomplished within existing appropriations.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under Bill 3		
Cost Components	FY 2017-18	FY 2018-19
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$17,700	\$23,093
Supplemental Employee Retirement Payments	12,886	17,182
TOTAL	\$30,586	\$40,275

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2017-18, this bill requires a General Fund appropriation of \$1,602,630 to the Department of Human Services and an allocation of 3.0 FTE.

State and Local Government Contacts

Human Services

Information Technology

Judicial

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL 4

LLS NO. 17-0150.01 Jerry Barry x4341

INTERIM COMMITTEE BILL

**Legislative Oversight Committee Concerning the Treatment of Persons
with Mental Illness in the Criminal and Juvenile Justice Systems**

A BILL FOR AN ACT

101 **CONCERNING SERVICES FOR PERSONS WITH MENTAL ILLNESS IN THE**
102 **CRIMINAL JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems. The bill directs the division of housing in the department of local affairs to establish a program to provide vouchers and supportive services to persons with a mental illness who are being released from the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

department of corrections (DOC) or jails. The program is funded by general fund appropriations and from money unspent by the division of criminal justice (CDPS) for community corrections programs in the previous fiscal year.

The bill directs the behavioral health unit in the department of human services, in conjunction with the DOC, to implement reentry programs to assist persons with a mental illness who are transitioning from incarceration. If necessary, the programs may receive money from the community corrections appropriation to CDPS.

The bill appropriates \$2.7 million to the department of local affairs.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Individuals with serious mental illness number fewer than four
5 in every 100 American adults but occupy at least one in five of America's
6 prison and jail beds; whereas, in the community, only 11.7 state hospital
7 beds remain per 100,000 people, leaving the state with fewer hospital
8 beds per capita than at any time since before the nation stopped
9 criminalizing mental illness in the 1850s;

10 (b) Inmates with a mental illness spend five and a half times
11 longer in custody than the average inmate;

12 (c) In 2010, the department of corrections and county jail systems
13 spent \$93 million of taxpayers' money on mental health services. This
14 amounts to \$2,083 per prisoner for mental health services. In that same
15 year, only 53% of the state's known behavioral health expenditures were
16 spent through the formal public health system, the remainder being spent
17 through the prison and jail system, child welfare system, and hospitals.

18 (d) Correctional facilities and county jails are not designed and do

1 not have the resources to handle or treat persons with a mental illness but
2 have become de facto mental health institutions;

3 (e) Inmates with mental illnesses are frequently released into the
4 community after incarceration homeless and with no or insufficient
5 supportive services; and

6 (f) Housing alone is not sufficient to improve outcomes; however,
7 supportive housing models with specific support services are critical to
8 success in reducing recidivism of people with mental illnesses
9 transitioning between homelessness and incarceration.

10 **SECTION 2.** In Colorado Revised Statutes, add 24-32-723.5 as
11 follows:

12 **24-32-723.5. Housing assistance for a person with a serious**
13 **mental illness in the criminal justice system - cash fund - definition.**

14 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES, "PERSON WITH A SERIOUS MENTAL ILLNESS" MEANS AN
16 INDIVIDUAL WHO HAS OR, AT ANY TIME DURING THE PREVIOUS TWELVE
17 MONTHS, HAD A DIAGNOSABLE MENTAL, BEHAVIORAL, OR EMOTIONAL
18 DISORDER OF SUFFICIENT DURATION TO MEET DIAGNOSTIC CRITERIA
19 SPECIFIED WITHIN THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL
20 DISORDERS, RESULTING IN FUNCTIONAL IMPAIRMENT WHICH INTERFERES
21 WITH OR LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES.

22 (2) IN CONJUNCTION WITH ITS OTHER PROGRAMS TO PROVIDE
23 ASSISTANCE IN OBTAINING HOUSING, THE DIVISION SHALL ESTABLISH A
24 PROGRAM THAT PROVIDES VOUCHERS AND OTHER SUPPORT SERVICES FOR
25 HOUSING ASSISTANCE FOR A HOMELESS PERSON WITH A SEVERE MENTAL
26 ILLNESS OR CO-OCCURRING BEHAVIORAL HEALTH DISORDER WHO IS

1 TRANSITIONING FROM THE DEPARTMENT OF CORRECTIONS OR A COUNTY
2 JAIL INTO THE COMMUNITY.

3 (3) THERE IS CREATED IN THE STATE TREASURY THE HOUSING
4 ASSISTANCE FOR PERSONS TRANSITIONING FROM INCARCERATION CASH
5 FUND, REFERRED TO IN THIS SECTION AS THE "CASH FUND". THE CASH
6 FUND CONSISTS OF ALL MONEY TRANSFERRED TO THE FUND PURSUANT TO
7 SECTION 17-27-108 (7) AND ALL MONEY THAT THE GENERAL ASSEMBLY
8 APPROPRIATES TO THE CASH FUND. ALL MONEY IN THE CASH FUND IS
9 CONTINUOUSLY APPROPRIATED TO THE DIVISION FOR THE PURPOSES SET
10 FORTH IN THIS SECTION. ALL INTEREST EARNED FROM THE INVESTMENT OF
11 MONEY IN THE CASH FUND IS CREDITED TO THE CASH FUND. ALL MONEY
12 NOT EXPENDED AT THE END OF THE FISCAL YEAR REMAINS IN THE CASH
13 FUND AND DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

14 **SECTION 3.** In Colorado Revised Statutes, add article 70 to title
15 27 as follows:

16 **ARTICLE 70**

17 **Reentry Programs for Incarcerated**

18 **Persons with Mental Illnesses**

19 **27-70-101. Reentry services for persons with mental illnesses**

20 - **definitions.** (1) AS USED IN THIS ARTICLE, UNLESS THE CONTEXT
21 OTHERWISE REQUIRES:

22 (a) "PERSON WITH A SEVERE MENTAL ILLNESS" HAS THE SAME
23 MEANING AS SET FORTH IN SECTION 24-32-723.5 (1).

24 (b) "UNIT" MEANS THE UNIT IN THE DEPARTMENT OF HUMAN
25 SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND
26 SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND
27 SUBSTANCE ABUSE.

1 (2) THE UNIT, IN COLLABORATION WITH THE DEPARTMENT OF
2 CORRECTIONS, SHALL ADMINISTER APPROPRIATE REENTRY PROGRAMS FOR
3 PERSONS WITH SEVERE MENTAL ILLNESSES OR CO-OCCURRING
4 BEHAVIORAL HEALTH DISORDERS PRIOR TO AND AFTER RELEASE FROM THE
5 DEPARTMENT OF CORRECTIONS OR COUNTY JAILS. THE PURPOSE OF THE
6 PROGRAMS IS TO ASSIST OFFENDERS WITH REENTRY INTO SOCIETY BASED
7 UPON THE ASSESSED NEED AND SUITABILITY OF INDIVIDUAL OFFENDERS
8 FOR SUCH SERVICES. THE UNIT SHALL DESIGN EACH REENTRY PROGRAM TO
9 REDUCE THE POSSIBILITY OF EACH OFFENDER RETURNING TO A
10 CORRECTIONAL FACILITY OR JAIL, TO ASSIST EACH OFFENDER IN
11 REHABILITATION, AND TO PROVIDE EACH OFFENDER WITH LIFE
12 MANAGEMENT SKILLS THAT ALLOW HIM OR HER TO FUNCTION
13 SUCCESSFULLY IN SOCIETY.

14 (3) SUBJECT TO APPROPRIATIONS, THE UNIT SHALL DEVELOP AND
15 IMPLEMENT INITIATIVES SPECIFICALLY DESIGNED TO ASSIST EACH
16 OFFENDER'S TRANSITION FROM A CORRECTIONAL FACILITY OR JAIL INTO
17 THE COMMUNITY. AN INITIATIVE DEVELOPED AND IMPLEMENTED
18 PURSUANT TO THIS SUBSECTION (3) MAY INCLUDE, BUT NEED NOT BE
19 LIMITED TO, THE FOLLOWING COMPONENTS:

- 20 (a) HOUSING VOUCHERS;
- 21 (b) SUPPORTIVE EMPLOYMENT SERVICES;
- 22 (c) MEDICAID ENROLLMENT SERVICES;
- 23 (d) MENTAL HEALTH TREATMENT SERVICES INCLUDING
24 PSYCHIATRIC AND COUNSELING SERVICES;
- 25 (e) CASE MANAGEMENT SERVICES;
- 26 (f) MEDICATION MONITORING;
- 27 (g) PEER SPECIALIST SUPPORT; AND

1 (h) POSITIVE RECREATIONAL ACTIVITIES.

2 **SECTION 4.** In Colorado Revised Statutes, 17-27-108, **amend**
3 (5); and **add** (7) as follows:

4 **17-27-108. Division of criminal justice of the department of**
5 **public safety - duties - community corrections contracts.** (5) The
6 division of criminal justice is authorized to transfer up to ten percent of
7 annual appropriations among or between line items for community
8 corrections program services OR THE RENTRY INITIATIVE DESCRIBED IN
9 SECTION 27-70-101 (3). Advance notice of such transfers shall be
10 provided to the general assembly, the governor, the executive director of
11 the department of corrections, and the chief justice of the supreme court.

12 (7) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ON AND
13 AFTER JULY 1, 2016, ANY MONEY APPROPRIATED FROM THE GENERAL
14 FUND TO THE DIVISION OF CRIMINAL JUSTICE FOR THE PURPOSES OF THIS
15 ARTICLE THAT IS UNEXPENDED OR UNENCUMBERED AS OF THE CLOSE OF
16 THAT FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND, AND THE
17 STATE TREASURER AND THE CONTROLLER SHALL TRANSFER SUCH MONEY
18 TO THE HOUSING ASSISTANCE FOR PERSONS TRANSITIONING FROM
19 INCARCERATION CASH FUND CREATED PURSUANT TO SECTION 24-32-723.5
20 (3).

21 **SECTION 5. Appropriation.** For the 2017-18 state fiscal year,
22 \$2,700,000 is appropriated to the department of local affairs for use by
23 the division of housing. This appropriation is from the general fund. To
24 implement this act, the division may use this appropriation to provide
25 housing assistance to persons described in section 24-32-723.5, C.R.S.

1 **SECTION 6. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.



Colorado
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Attachment K

Bill 4

FISCAL NOTE

FISCAL IMPACT: ☒ State ☒ Local ☐ Statutory Public Entity ☐ Conditional ☐ No Fiscal Impact

Drafting Number: LLS 17-0150
Prime Sponsor(s):

Date: October 4, 2016
Bill Status: Legislative Oversight Committee
Concerning the Treatment of Persons
with Mental Illness in the Criminal and
Juvenile Justice Systems Bill Request

Fiscal Analyst: Bill Zepernick (303-866-4777)

BILL TOPIC: ASSISTANCE TO RELEASED MENTALLY ILL OFFENDERS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue	Potential transfer. See State Revenue section.	
State Expenditures	<u>At least \$5.1 million</u>	<u>At least \$5.1 million</u>
General Fund	5,045,076	5,044,402
Cash Funds	Potential increase	Potential increase
Centrally Appropriated Costs	27,731	30,238
FTE Position Change	2.2 FTE	2.2 FTE
Appropriation Required: \$5.1 million - Multiple agencies (FY 2017-18).		
Future Year Impacts: Ongoing expenditure increase.		

Summary of Legislation

The bill, *requested by the Legislative Oversight Committee concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems*, establishes two programs for persons with mental illness transitioning from incarceration. First, it creates a housing assistance program in the Department of Local Affairs (DOLA) to provide vouchers to persons newly released from the Department of Corrections (DOC) or county jail. The bill requires that any unspent General Fund appropriations for community correction contracts in the Department of Public Safety (DPS) be transferred to the newly created Housing Assistance for Persons Transitioning from Incarceration Cash Fund, which is continuously appropriated to DOLA for the new voucher program. The bill includes a \$2.7 million General fund appropriation to DOLA for the housing assistance program.

Second, it creates a reentry program for incarcerated persons with mental illness in the Division of Behavioral Health in the Department of Human Services (DHS). Subject to available appropriations, the DHS must implement initiatives to assist each offender's transition from a correctional facility or jail into the community. Reentry program services may include assistance

concerning housing vouchers, supportive employment services, Medicaid enrollment, mental health treatment, case management services, medication monitoring, peer specialist support, and positive recreational activities. The Division of Criminal Justice in the DPS is authorized to transfer up to 10 percent of its annual appropriations for community correction programs to the new reentry programs in the DHS after giving advanced notice to the General Assembly, the Governor, the Chief Justice of the Supreme Court, and the DOC.

Background

While the DHS does not currently operate a reentry program, the DOC currently offers such services. Under House Bill 14-1355, the DOC offender reentry programs received an additional \$8.0 million for staff and resources. Of this amount, \$1.0 million per year is used for a grant program to fund community- and faith-based organizations that assist parolees with services such as housing and job placement. Offenders participating in pre-release programs while in prison receive education concerning employment readiness, housing, money management, education options, and family, relationship, and support systems. In 2015, 4,411 offenders participated in pre-release programs, an increase of 45 percent over the previous year. Staff assist parolees with issues they encounter upon reentry to the community. The bill expanded the number of community reentry specialists and added new parolee navigators to assist with employment, training, and mental health and substance abuse issues. While the existing DOC reentry programs are not targeted specifically toward persons with mental illness, a large majority of offenders are documented as having a mental illness.

Concerning existing appropriations for community corrections, the DPS was appropriated \$67.4 million in FY 2016-17 for this purpose. Over the last several years, between \$700,000 and \$2.2 million dollars in community corrections appropriations have reverted to the General Fund per year.

State Revenue

While the bill does not affect net revenue to the state, it potentially creates a transfer from the General Fund, as described below.

State transfers. Under the bill, a transfer from the General Fund to the Housing Assistance for Persons Transitioning from Incarceration Cash Fund may occur beginning in FY 2017-18. The transfer amount will be based on the amount of unspent appropriations to the DPS for community corrections contracts at the end of the preceding fiscal year. At this time, it is unknown whether reversions will occur in future years and if such transfers will take place.

State Expenditures

The bill increases General Fund expenditures by at least \$5.1 million and 2.2 FTE per year beginning in FY 2017-18, assuming all the programs created by the bill are fully funded. These costs in DOLA and the DHS are described below and summarized in Table 1.

Table 1. Expenditures Under Bill 4		
Cost Components	FY 2017-18	FY 2018-19
Department of Local Affairs	<u>\$2,707,576</u>	<u>\$2,707,769</u>
Personal Services	23,153	25,257
FTE	0.5 FTE	0.5 FTE
Operating Expenses and Capital Outlay Costs	5,178	475
Travel	980	980
Housing Vouchers	2,670,689	2,673,288
Centrally Appropriated Costs*	7,576	7,769
Department of Human Services	<u>\$2,365,231</u>	<u>\$2,366,871</u>
Personal Services	96,055	104,787
FTE	1.7 FTE	1.7 FTE
Operating Expenses and Capital Outlay Costs	11,021	1,615
Training	30,000	30,000
Contract Case Management	2,208,000	2,208,000
Centrally Appropriated Costs*	20,155	22,469
TOTAL	<u>\$5,072,807</u>	<u>\$5,074,640</u>

* Centrally appropriated costs are not included in the bill's appropriation.

Housing assistance (DOLA). DOLA will have General Fund costs of \$2.7 million per year beginning in FY 2017-18 to provide housing assistance vouchers to persons exiting incarceration. It is assumed that the program will be administered through the existing housing assistance program in DOLA and that 0.5 FTE is required for an additional program assistant to support the new population served under the bill. After accounting for administrative and staffing expenses, \$2,670,689 will be available to provide housing vouchers to approximately 250 individuals. These costs are based on the General Fund appropriation included in the bill. Additional cash funds may be available for the program if unspent funds in the Division of Criminal Justice in the DPS are transferred to the program. First-year costs in DOLA account the General Fund paydate shift and assume a July 1, 2017, start date.

Reentry programs (DHS). The bill increases General Fund expenditures in the DHS by \$2.4 million and 1.7 FTE per year beginning in FY 2017-18. While the bill specifies that reentry programs are subject to available appropriations, the fiscal note reflects the full costs of implementing such programs. To the extent the appropriation provided in the bill differs from this fiscal note estimate, the DHS may adjust the number of clients served to fit the appropriation received.

Assumptions. Reentry program costs are based on the following assumptions:

- about 2,750 persons with major mental illness are released from incarceration each year and will be served by the DHS reentry program;
- clients receive case management services for 90 days following their release;
- on average, between 650 and 700 clients will require services at any given point in time;

- each contracted caseworkers can handle up to 22 clients at a time, resulting in the need for 32 caseworkers;
- case management is assumed to be the primary service offered through the reentry program to assist clients with accessing existing programs.

Contract case management. Based on the assumptions above, the DHS will have costs of \$2.2 million per year for contracted case management services through the new reentry program. This cost is based on the assumption that each case worker costs \$60,000 per year for salary, benefits, and operating expenses (\$1.9 million per year). The contracting entity will have administrative overhead and costs of \$288,000 per year.

DHS administration. As shown in Table 1, the DHS will require 1.7 FTE for a project manager and contract administrator to oversee the reentry program and other administrative costs. For FY 2017-18, these costs include personal services (\$96,055), standard operating and capital outlay expenses (\$11,021), and contractor training (\$30,000). These costs account for the General Fund paydate shift and assume a July 1, 2017, start date.

Department of Corrections. Given that DOC currently operates a reentry program that targets many of the same offenders leaving incarceration, it is possible that workload and costs may decrease in the DOC following the establishment of a reentry program in the DHS. However, at this time it is unknown the extent to which the DHS reentry program will serve DOC clients versus county jail clients and whether or not the opportunity will exist to reduce funding to the DOC. At this time it is assumed that any adjustments to DOC funding will occur through the annual budget process.

Other program impacts. To the extent that additional case management services link eligible clients with existing programs such as Medicaid and behavior health programs, additional workload and costs may be incurred by the Department of Health Care Policy and Financing and the DHS. Given that the existing DOC reentry program offers similar services, any impact on other programs is assumed to be minimal. To the extent additional impacts from increased utilization occur, they will be addressed through the annual budget process.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under Bill 4		
Cost Components	FY 2017-18	FY 2018-19
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$15,923	\$17,458
Supplemental Employee Retirement Payments	10,682	11,653
Leased Space	1,127	1,127
TOTAL	\$27,732	\$30,238

Local Government Impact

Counties may have increased workload to coordinate with the DHS, the reentry program contractor, and DOLA to connect persons with mental illness to services upon release from county jails. In addition, to the extent the reentry programs help persons with mental illness enroll in Medicaid, county departments of human services may have additional workload. These impacts are assumed to be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2017-18, the bill includes a General Fund appropriation of \$2,700,000 to the Department of Local Affairs and requires an additional allocation of 0.5 FTE.

For FY 2017-18, the Department of Human Services requires a General Fund appropriation of \$2,345,076 and an allocation of 1.7 FTE.

State and Local Government Contacts

Corrections	Counties	Health Care Policy And Financing
Human Services	Information Technology	Local Affairs
Personnel	Public Safety	Sheriffs
Treasury		

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL 5

LLS NO. 17-0151.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

**Legislative Oversight Committee Concerning the Treatment of Persons
with Mental Illness in the Criminal and Juvenile Justice Systems**

A BILL FOR AN ACT

101 **CONCERNING REMOVING A JUVENILE SEX OFFENDER FROM SEX**
102 **OFFENDER REGISTRIES UPON THE COMPLETION OF HIS OR HER**
103 **SENTENCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems. On or before August 1, 2017, the Colorado bureau of investigation (bureau) shall remove from the state sex offender registry, and any local law enforcement agency that maintains a local registry of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

sex offenders shall remove from its local registry, any registrant who:

- Was required to register as the result of one or more convictions for offenses committed while he or she was a juvenile;
- Has not been convicted as an adult of any offense that would result in him or her being required to register; and
- Has completed his or her sentence for each conviction that required him or her to register.

On and after August 1, 2017, the bureau shall ensure that the registry does not include any such offenders. On and after August 1, 2017, a local law enforcement agency that maintains a local sex offender registry shall ensure that the registry does not include any such offenders.

At least 10 business days before the release or discharge of any person who was required to register as a sex offender as a result of one or more convictions for offenses committed while the registrant was a juvenile, the department of corrections or the department of human services, whichever is applicable, shall provide notice of the person's release or discharge to the bureau and to each local law enforcement agency that maintains a local registry of sex offenders in which the person is registered.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 16-22-102, **add** (4.2)
3 as follows:

4 **16-22-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (4.2) "JUVENILE" HAS THE SAME MEANING AS SET FORTH IN
7 SECTION 19-1-103 (68).

8 **SECTION 2.** In Colorado Revised Statutes, 16-22-103, **amend**
9 (3) and (4); and **add** (7) as follows:

10 **16-22-103. Sex offender registration - required - applicability**
11 **- exception.** (3) EXCEPT AS DESCRIBED IN SECTION 16-22-110 (10) AND
12 IN SUBSECTION (7) OF THIS SECTION, in addition to the persons specified
13 in subsections (1) and (2) of this section, any person convicted of an
14 offense in any other state or jurisdiction, including but not limited to a

1 military or federal jurisdiction, for which the person, as a result of the
2 conviction, is, was, has been, or would be required to register if he or she
3 resided in the state of jurisdiction of conviction, or for which such person
4 would be required to register if convicted in Colorado, shall be required
5 to register in the manner specified in section 16-22-108, so long as such
6 person is a temporary or permanent resident of Colorado. Such person
7 may petition the court for an order that discontinues the requirement for
8 registration in this state at the times specified in section 16-22-113 for
9 offense classifications that are comparable to the classification of the
10 offense for which the person was convicted in the other state or
11 jurisdiction.

12 (4) (a) EXCEPT AS DESCRIBED IN SECTION 16-22-110 (10) AND IN
13 SUBSECTION (7) OF THIS SECTION, the provisions of this article shall apply
14 to any person who receives a disposition or is adjudicated a juvenile
15 delinquent based on the commission of any act that may constitute
16 unlawful sexual behavior or who receives a deferred adjudication based
17 on THE commission of any act that may constitute unlawful sexual
18 behavior. ~~except that, with respect to section 16-22-113 (1) (a) to (1) (c),~~
19 ~~a person may petition the court for an order to discontinue the duty to~~
20 ~~register as provided in those paragraphs, but only if the person has not~~
21 ~~subsequently received a disposition for, been adjudicated a juvenile~~
22 ~~delinquent for, or been otherwise convicted of any offense involving~~
23 ~~unlawful sexual behavior. In addition,~~

24 (b) The duty to provide notice to a person of the duty to register,
25 as set forth in sections 16-22-105 to 16-22-107, ~~shall apply~~ APPLIES to
26 juvenile parole and probation officers and appropriate personnel of the
27 division of youth corrections in the department of human services.

1 (7) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 22 TO THE
2 CONTRARY, A PERSON IS NO LONGER REQUIRED TO REGISTER WITH THE SEX
3 OFFENDER REGISTRY IF THE PERSON:

4 (a) WAS REQUIRED TO REGISTER AS THE RESULT OF ONE OR MORE
5 CONVICTIONS FOR OFFENSES COMMITTED WHILE HE OR SHE WAS A
6 JUVENILE;

7 (b) HAS NOT BEEN CONVICTED AS AN ADULT OF ANY OFFENSE THAT
8 WOULD RESULT IN HIM OR HER BEING REQUIRED TO REGISTER PURSUANT
9 TO SECTION 16-22-103 OR ANY OTHER PROVISION OF THIS ARTICLE 22; AND

10 (c) HAS COMPLETED HIS OR HER SENTENCE FOR EACH CONVICTION
11 THAT RESULTED IN HIM OR HER BEING REQUIRED TO REGISTER.

12 **SECTION 3.** In Colorado Revised Statutes, 16-22-107, **amend**
13 (5) as follows:

14 **16-22-107. Duties - department of corrections - department of**
15 **human services - confirmation of registration - notice - address**
16 **verification.** (5) (a) In the case of a juvenile who is required to register
17 pursuant to section 16-22-103 and is committed to the department of
18 human services, ~~said~~ THE department OF HUMAN SERVICES shall ~~have and~~
19 carry out the duties specified in this section for the department of
20 corrections with regard to ~~said~~ THE juvenile.

21 (b) AT LEAST TEN BUSINESS DAYS BEFORE THE RELEASE OR
22 DISCHARGE OF ANY PERSON WHO WAS SENTENCED TO THE DEPARTMENT
23 OF CORRECTIONS OR COMMITTED TO THE DEPARTMENT OF HUMAN
24 SERVICES AND REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103
25 AS A RESULT OF ONE OR MORE CONVICTIONS FOR OFFENSES COMMITTED
26 WHILE THE REGISTRANT WAS A JUVENILE, THE DEPARTMENT OF
27 CORRECTIONS OR THE DEPARTMENT OF HUMAN SERVICES, WHICHEVER IS

1 APPLICABLE, SHALL PROVIDE NOTICE OF THE PERSON'S RELEASE OR
2 DISCHARGE TO THE CBI AND TO EACH LOCAL LAW ENFORCEMENT AGENCY
3 THAT MAINTAINS A LOCAL REGISTRY OF SEX OFFENDERS IN WHICH THE
4 PERSON IS REGISTERED. THE NOTICE MUST INDICATE THAT THE PERSON
5 MAY SATISFY THE DESCRIPTION OF A JUVENILE OFFENDER IN SECTION
6 16-22-110 (10)(a).

7 **SECTION 4.** In Colorado Revised Statutes, 16-22-108, **amend**
8 (1)(d)(I) and (1)(d)(I.5) as follows:

9 **16-22-108. Registration - procedure - frequency - place -**
10 **change of address - fee.** (1) (d) (I) EXCEPT AS DESCRIBED IN SECTIONS
11 16-22-103 (7) AND 16-22-110 (10), any person who is a sexually violent
12 predator and any person who is convicted as an adult of any of the
13 offenses specified in ~~subparagraph (II) of this paragraph (d)~~ SUBSECTION
14 (1)(d)(II) OF THIS SECTION has a duty to register for the remainder of his
15 or her natural life; except that, if the person receives a deferred judgment
16 and sentence for one of the offenses specified in ~~subparagraph (II) of this~~
17 ~~paragraph (d)~~ SUBSECTION (1)(d)(II) OF THIS SECTION, the person may
18 petition the court for discontinuation of the duty to register as provided
19 in section 16-22-113 (1)(d). In addition to registering as required in
20 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION,
21 the person shall reregister within five business days before or after the
22 date that is three months after the date on which the person was released
23 from incarceration for commission of the offense requiring registration
24 or, if the person was not incarcerated, after the date on which he or she
25 received notice of the duty to register. The person shall register within
26 five business days before or after that date every three months thereafter
27 until the person's birthday. The person shall reregister within five

1 business days before or after his or her next birthday and shall reregister
2 within five business days before or after that date every three months
3 thereafter. The person shall reregister pursuant to this ~~paragraph (d)~~
4 SUBSECTION (1)(d) with the local law enforcement agency of each
5 jurisdiction in which the person resides or in any jurisdiction if the person
6 lacks a fixed residence on the reregistration date, in the manner provided
7 in ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS
8 SECTION.

9 (I.5) (A) EXCEPT AS DESCRIBED IN SECTIONS 16-22-103 (7) AND
10 16-22-110 (10), a person convicted of an offense in another state or
11 jurisdiction, including but not limited to a military or federal jurisdiction,
12 who, as a result of the conviction, is required to register quarterly as a sex
13 offender in the state or jurisdiction of conviction is required to register as
14 provided in ~~subparagraph (f) of this paragraph (d)~~ SUBSECTION (1)(d)(I)
15 OF THIS SECTION so long as the person is a temporary or permanent
16 resident of Colorado.

17 (B) EXCEPT AS DESCRIBED IN SECTIONS 16-22-103 (7) AND
18 16-22-110 (10), a person convicted of an offense in another state or
19 jurisdiction, including but not limited to a military or federal jurisdiction,
20 which conviction would require the person to register as provided in
21 ~~subparagraph (f) of this paragraph (d)~~ SUBSECTION (1)(d)(I) OF THIS
22 SECTION if the conviction occurred in Colorado, is required to register as
23 provided in said ~~subparagraph (f)~~ SUBSECTION (1)(d)(I) so long as the
24 person is a temporary or permanent resident of Colorado.

25 **SECTION 5.** In Colorado Revised Statutes, 16-22-110, **add** (10)
26 as follows:

27 **16-22-110. Colorado sex offender registry - creation -**

1 **maintenance - release of information.** (10) (a) ON OR BEFORE AUGUST
2 1, 2017, THE CBI SHALL REMOVE FROM THE SEX OFFENDER REGISTRY ANY
3 REGISTRANT WHO:

4 (I) WAS REQUIRED TO REGISTER AS THE RESULT OF ONE OR MORE
5 CONVICTIONS FOR OFFENSES COMMITTED WHILE HE OR SHE WAS A
6 JUVENILE;

7 (II) HAS NOT BEEN CONVICTED AS AN ADULT OF ANY OFFENSE
8 THAT WOULD RESULT IN HIM OR HER BEING REQUIRED TO REGISTER
9 PURSUANT TO SECTION 16-22-103 OR ANY OTHER PROVISION OF THIS
10 ARTICLE 22; AND

11 (III) HAS COMPLETED HIS OR HER SENTENCE FOR EACH
12 CONVICTION THAT RESULTED IN HIM OR HER BEING REQUIRED TO
13 REGISTER.

14 (b) ANY LOCAL LAW ENFORCEMENT AGENCY THAT MAINTAINS A
15 LOCAL REGISTRY OF SEX OFFENDERS SHALL REMOVE FROM THE LOCAL
16 REGISTRY ANY REGISTRANT WHO SATISFIES THE DESCRIPTION IN
17 SUBSECTION (10)(a) OF THIS SECTION.

18 (c) (I) ON AND AFTER AUGUST 1, 2017, IN MAINTAINING THE SEX
19 OFFENDER REGISTRY, THE CBI SHALL ENSURE THAT THE REGISTRY DOES
20 NOT INCLUDE ANY OFFENDERS WHO ARE DESCRIBED IN SUBSECTION (10)(a)
21 OF THIS SECTION. THE CBI SHALL IMPLEMENT PROCEDURES TO ENSURE
22 THAT REGISTRANTS WHO SATISFY THE DESCRIPTION IN SUBSECTION (10)(a)
23 OF THIS SECTION ARE PROMPTLY REMOVED FROM THE REGISTRY UPON
24 COMPLETION OF THEIR SENTENCES.

25 (II) ON AND AFTER AUGUST 1, 2017, IN MAINTAINING ANY LOCAL
26 REGISTRY OF SEX OFFENDERS, A LOCAL LAW ENFORCEMENT AGENCY
27 SHALL ENSURE THAT THE REGISTRY DOES NOT INCLUDE ANY OFFENDERS

1 WHO ARE DESCRIBED IN SUBSECTION (10)(a) OF THIS SECTION. EACH
2 LOCAL LAW ENFORCEMENT AGENCY THAT MAINTAINS A LOCAL REGISTRY
3 OF SEX OFFENDERS SHALL IMPLEMENT PROCEDURES TO ENSURE THAT
4 REGISTRANTS WHO SATISFY THE DESCRIPTION IN SUBSECTION (10)(a) OF
5 THIS SECTION ARE PROMPTLY REMOVED FROM THE REGISTRY UPON
6 COMPLETION OF THEIR SENTENCES.

7 **SECTION 6.** In Colorado Revised Statutes, 16-22-112, **amend**
8 (2)(b)(III) as follows:

9 **16-22-112. Release of information - law enforcement agencies.**

10 (2) (b) A local law enforcement agency may post on its website sex
11 offender registration information of a person from its registration list only
12 if the person is:

13 (III) EXCEPT AS DESCRIBED IN SECTIONS 16-22-103 (7) AND
14 16-22-110 (10), a juvenile with a second or subsequent adjudication
15 involving unlawful sexual behavior or for a crime of violence as defined
16 in section 18-1.3-406; ~~C.R.S.~~; or

17 **SECTION 7.** In Colorado Revised Statutes, 16-22-113, **amend**
18 (3) introductory portion and (3)(a); and **repeal** (1)(e) and (1.3)(b) as
19 follows:

20 **16-22-113. Petition for removal from registry.** (1) Except as
21 otherwise provided in subsection (3) of this section, any person required
22 to register pursuant to section 16-22-103 or whose information is required
23 to be posted on the internet pursuant to section 16-22-111 may file a
24 petition with the court that issued the order of judgment for the conviction
25 that requires the person to register for an order to discontinue the
26 requirement for such registration or internet posting, or both, as follows:

27 (e) ~~Except as otherwise provided in subparagraph (II) of~~

1 paragraph (b) of subsection (1.3) of this section, if the person was
2 younger than eighteen years of age at the time of commission of the
3 offense, after the successful completion of and discharge from a juvenile
4 sentence or disposition, and if the person prior to such time has not been
5 subsequently convicted or has a pending prosecution for unlawful sexual
6 behavior or for any other offense, the underlying factual basis of which
7 involved unlawful sexual behavior and the court did not issue an order
8 either continuing the duty to register or discontinuing the duty to register
9 pursuant to paragraph (b) of subsection (1.3) of this section. Any person
10 petitioning pursuant to this paragraph (c) may also petition for an order
11 removing his or her name from the sex offender registry. In determining
12 whether to grant the order, the court shall consider whether the person is
13 likely to commit a subsequent offense of or involving unlawful sexual
14 behavior. The court shall base its determination on recommendations
15 from the person's probation or community parole officer, the person's
16 treatment provider, and the prosecuting attorney for the jurisdiction in
17 which the person was tried and on the recommendations included in the
18 person's presentence investigation report. In addition, the court shall
19 consider any written or oral testimony submitted by the victim of the
20 offense for which the petitioner was required to register. Notwithstanding
21 the provisions of this subsection (1), a juvenile who files a petition
22 pursuant to this section may file the petition with the court to which venue
23 is transferred pursuant to section 19-2-105, C.R.S., if any.

24 (1.3) (b) (i) If a juvenile is eligible to petition to discontinue his
25 or her duty to register pursuant to paragraph (c) of subsection (1) of this
26 section, the court, at least sixty-three days before discharging the
27 juvenile's sentence, shall notify each of the parties described in paragraph

1 ~~(a) of subsection (2) of this section, the juvenile, and the victim of the~~
2 ~~offense for which the juvenile was required to register, if the victim has~~
3 ~~requested notice and has provided current contact information, that the~~
4 ~~court shall consider whether to order that the juvenile may discontinue his~~
5 ~~or her duty to register when the court discharges the juvenile's sentence.~~
6 ~~The court shall set the matter for hearing if any of the parties described~~
7 ~~in paragraph (a) of subsection (2) of this section or the victim of the~~
8 ~~offense objects, or if the juvenile requests a hearing, and shall consider~~
9 ~~the criteria in paragraph (c) of subsection (1) of this section in~~
10 ~~determining whether to continue or discontinue the duty to register. If the~~
11 ~~court enters an order discontinuing the juvenile's duty to register, the~~
12 ~~department of human services shall send a copy of the order to each local~~
13 ~~law enforcement agency with which the juvenile is registered, the juvenile~~
14 ~~parole board, and to the CBI. If the victim of the offense has requested~~
15 ~~notice, the court shall notify the victim of its decision either to continue~~
16 ~~or discontinue the juvenile's duty to register.~~

17 ~~(II) If a juvenile is eligible to petition to discontinue his or her~~
18 ~~registration pursuant to paragraph (c) of subsection (1) of this section and~~
19 ~~is under the custody of the department of human services and yet to be~~
20 ~~released on parole by the juvenile parole board, the department of human~~
21 ~~services may petition the court to set a hearing pursuant to paragraph (c)~~
22 ~~of subsection (1) of this section at least sixty-three days before the~~
23 ~~juvenile is scheduled to appear before the juvenile parole board.~~

24 ~~(III) If a juvenile is eligible to petition to discontinue his or her~~
25 ~~registration pursuant to paragraph (c) of subsection (1) of this section and~~
26 ~~is under the custody of the department of human services and yet to be~~
27 ~~released on parole by the juvenile parole board, the department of human~~

1 ~~services, prior to setting the matter for hearing, shall modify the juvenile's~~
2 ~~parole plan or parole hearing to acknowledge the court order or petition~~
3 ~~unless it is already incorporated in the parole plan.~~

4 (3) The following persons ~~shall~~ ARE not be eligible for relief
5 pursuant to this section, ~~but shall be~~ AND ARE subject for the remainder
6 of their natural lives to the registration requirements specified in this
7 ~~article~~ ARTICLE 22 or to the comparable requirements of any other
8 jurisdictions in which they may reside:

9 (a) EXCEPT AS DESCRIBED IN SECTIONS 16-22-103 (7) AND
10 16-22-110 (10), any person who is a sexually violent predator;

11 **SECTION 8. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.

Bill 5



Colorado
Legislative
Council
Staff

FISCAL NOTE

FISCAL IMPACT: ☒ State ☒ Local ☐ Statutory Public Entity ☐ Conditional ☐ No Fiscal Impact

Drafting Number: LLS 17-0151
Prime Sponsor(s):

Date: October 3, 2016
Bill Status: Legislative Oversight Committee
Concerning the Treatment of
Persons with Mental Illness in the
Criminal and Juvenile Justice
System Bill Request

Fiscal Analyst: Chris Creighton (303-866-5834)

BILL TOPIC: REMOVE JUVENILES FROM SEX OFFENDER REGISTRY

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	108,455	31,406
General Fund	84,366	24,828
Centrally Appropriated Costs	24,089	6,578
FTE Position Change	2.0 FTE	0.5 FTE
Appropriation Required: \$84,366 - Department of Public Safety (FY 2017-18).		
Future Year Impacts: Ongoing expenditure and workload impact.		

Summary of Legislation

Under this bill, *requested by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice System*, a person is no longer required to register as a sex offender if the registrant:

- was required to register as the result of a conviction for an offense committed while he or she was a juvenile;
- has not been convicted as an adult of any offense that would result in him or her being required to register with the sex offender registry; and
- has completed his or her sentence for each conviction that would have required him or her to register as a sex offender under current law.

By August 1, 2017, the Colorado Bureau of Investigation (CBI) in the Department of Public Safety, which maintains the state sex offender registry, and any local law enforcement agency that maintains a local sex offender registry must remove all registrants who meet the above criteria from the sex offender registry. They must also implement procedures to ensure that all eligible registrants are promptly removed from the registry upon completion of their sentence.

This bill also clarifies that the Department of Corrections or the Department of Human Services, must provide a notice to the CBI and each applicable local law enforcement agency at least 10 days before the release of a registered sex offender and indicate in that notice that the offender is being released and may be a juvenile offender.

Background

As of September 2016, there are 18,181 offenders in the state sex offender registry, 2,095 of whom are juveniles. The CBI does not track the age of the offender at the time of the offense nor does it track how many juveniles are added to the registry as a result of adjudication in Colorado versus relocation from out of state.

Under the Colorado Sex Offender Registration Act, any temporary or permanent resident in the state convicted in Colorado or any other jurisdiction of an unlawful sexual offense, enticement of a child, or internet luring of a child must register with the Colorado sex offender registry and with the local law enforcement agency where he or she resides. The registry contains the offender's name, address, date of birth, a description of the offense or offenses committed, and his or her status as a sexually violent predator. This information is available to criminal justice agencies, local law enforcement agencies, and the public, upon request. Local law enforcement agencies may post on their websites information about adults on the sex offender registry, as well as juveniles with a second or subsequent adjudication involving unlawful sexual behavior or crimes of violence. The CBI does not charge for registration, but local law enforcement agencies may charge up to \$75 for initial registration and up to \$25 for subsequent annual registrations.

A person can petition the court to have their name removed from the sex offender registry under current law. By requiring the CBI and local law enforcement agencies to remove eligible offenders from the registry, this bill eliminates the need for a court petition for sex offenses committed while the offender was a juvenile. No fee is charged for this petition. The number of petitions for removal from the sex offender registry for offenses committed as a juvenile, per year, is believed to be minimal; however, there are no data available.

State Expenditures

This bill increases state General Fund expenditures in the Department of Public Safety by \$108,455 and 2.0 FTE in FY 2017-18 and \$31,406 and 0.5 FTE in FY 2018-19. This bill also reduces workload in the Judicial Department. These impacts are shown in Table 1 and described below.

Table 1. Expenditures Under Bill 5		
Cost Components	FY 2017-18	FY 2018-19
Personal Services	\$73,060	\$24,353
FTE	2.0 FTE	0.5 FTE
Operating Expenses and Capital Outlay Costs	11,306	475
Centrally Appropriated Costs*	24,089	6,578
TOTAL	\$108,455	\$31,406

* Centrally appropriated costs are not included in the bill's appropriation.

Department of Public Safety. For FY 2017-18, the DPS requires 2.0 FTE to search and remove eligible offenders from the state sex offender registry and to implement policies to ensure that all eligible offenders are promptly removed from the registry upon completion of their sentence. Staff will also assist local law enforcement with the removal of offenders from local registries. A September 1, 2017, start date is assumed for this staff. For FY 2018-19 and beyond, 0.5 FTE is needed to ensure that the registry does not include specified juvenile offenders. This includes investigating any sex offender who moves to Colorado from out of state to determine if they were a juvenile at the time of the offense.

Judicial Department. This bill reduces workload in the trial courts by eliminating the need to petition for removal from the sex offender registry for offenses committed as a juvenile. It is assumed that less than 10 such petitions are filed per year; therefore, this workload reduction is expected to be minimal and does not require a reduction in appropriations.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under Bill 5		
Cost Components	FY 2017-18	FY 2018-19
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$17,542	\$4,396
Supplemental Employee Retirement Payments	6,547	2,182
TOTAL	\$24,089	\$6,578

Local Government Impact

This bill increases workload and costs and reduces revenue in local law enforcement agencies that maintain a local sex offender registry. Municipal police departments and county sheriffs offices maintaining a local sex offender registry must remove the names of all eligible juveniles from the registry and create policies to ensure that offenders are removed upon completion of their sentence. The extent of this workload impact varies by local law enforcement agency and cannot be estimated at this time. This bill also reduces local law enforcement revenue, as agencies will no longer collect the \$75 initial registration and the \$25 annual registration fee from offenders that would be required to be on the registry under current law.

Technical Note

The August 9, 2017, effective date of this bill does not allow for the removal of all eligible offenders from the state and local sex offender registries by August 1, 2017. This fiscal note assumes it will take approximately one year to fully implement this bill.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2017-18, this bill requires a General Fund appropriation of \$84,366 to the Department of Public Safety and an allocation of 2.0 FTE.

State and Local Government Contacts

Corrections
Information Technology
Public Safety

Counties
Judicial
Sheriffs

Human Services
Municipalities

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL 6

LLS NO. 17-0152.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Legislative Oversight Committee Concerning the Treatment of Persons
with Mental Illness in the Criminal Justice System

A BILL FOR AN ACT

101 CONCERNING EXCLUDING FROM THE COLORADO SEX OFFENDER
102 REGISTRY THOSE OFFENDERS WHOSE OFFENSES OCCURRED
103 BEFORE THE OFFENDERS WERE FOURTEEN YEARS OF AGE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal Justice System. The bill excludes from the Colorado sex offender registry those offenders whose offenses occurred before the offenders were 14 years of age. In maintaining the sex offender registry, the Colorado bureau of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

investigation shall ensure that the registry only includes offenders who have been convicted for an offense committed while the offender was 14 years of age or older.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 16-22-103, **amend** (1), (2)(a), (3), and (4) as follows:

16-22-103. Sex offender registration - required - applicability - exception. (1) Effective July 1, 1998, the following persons shall ~~be required to~~ register pursuant to the provisions of section 16-22-108 and ~~shall be~~ ARE subject to the requirements and other provisions specified in this article:

(a) Any person who was convicted on or after July 1, 1991, in the state of Colorado, of an unlawful sexual offense, as defined in section 18-3-411 (1), ~~C.R.S.~~, enticement of a child, as described in section 18-3-305, ~~C.R.S.~~, or internet luring of a child, as described in section 18-3-306, ~~C.R.S.~~ WHICH OFFENSE OCCURRED WHILE THE PERSON WAS FOURTEEN YEARS OF AGE OR OLDER;

(b) Any person who was convicted on or after July 1, 1991, in another state or jurisdiction, including but not limited to a military, tribal, territorial, or federal jurisdiction, of an offense that, if committed in Colorado, would constitute an unlawful sexual offense, as defined in section 18-3-411 (1), ~~C.R.S.~~, enticement of a child, as described in section 18-3-305, ~~C.R.S.~~, or internet luring of a child, as described in section 18-3-306, ~~C.R.S.~~ WHICH OFFENSE OCCURRED WHILE THE PERSON WAS FOURTEEN YEARS OF AGE OR OLDER; and

(c) Any person who was released on or after July 1, 1991, from the custody of the department of corrections of this state or any other

1 state, having served a sentence for an unlawful sexual offense, as defined
2 in section 18-3-411 (1), ~~C.R.S.~~, enticement of a child, as described in
3 section 18-3-305, ~~C.R.S.~~, or internet luring of a child, as described in
4 section 18-3-306, ~~C.R.S.~~ WHICH OFFENSE OCCURRED WHILE THE PERSON
5 WAS FOURTEEN YEARS OF AGE OR OLDER.

6 (2) (a) On and after July 1, 1994, any person who is convicted in
7 the state of Colorado of unlawful sexual behavior or of another offense,
8 WHICH OFFENSE OCCURRED WHILE THE PERSON WAS FOURTEEN YEARS OF
9 AGE OR OLDER AND the underlying factual basis of which OFFENSE
10 involves unlawful sexual behavior, or any person who is released from
11 the custody of the department of corrections having completed serving a
12 sentence for unlawful sexual behavior or for another offense, WHICH
13 OFFENSE OCCURRED WHILE THE PERSON WAS FOURTEEN YEARS OF AGE OR
14 OLDER AND the underlying factual basis of which OFFENSE involved
15 unlawful sexual behavior, shall ~~be required to~~ register in the manner
16 prescribed in section 16-22-104, section 16-22-106 or 16-22-107,
17 whichever is applicable, and section 16-22-108.

18 (3) In addition to the persons specified in subsections (1) and (2)
19 of this section, any person convicted of an offense in any other state or
20 jurisdiction, including but not limited to a military or federal jurisdiction,
21 WHICH OFFENSE OCCURRED WHILE THE PERSON WAS FOURTEEN YEARS OF
22 AGE OR OLDER AND for which the person, as a result of the conviction, is,
23 was, has been, or would be required to register if he or she resided in the
24 state or jurisdiction of conviction, or for which such person would be
25 required to register if convicted in Colorado, shall ~~be required to~~ register
26 in the manner specified in section 16-22-108, so long as such person is a
27 temporary or permanent resident of Colorado. Such person may petition

1 the court for an order that discontinues the requirement for registration in
2 this state at the times specified in section 16-22-113 for offense
3 classifications that are comparable to the classification of the offense for
4 which the person was convicted in the other state or jurisdiction.

5 (4) The provisions of this article ~~shall~~ apply to any person who
6 receives a disposition or is adjudicated a juvenile delinquent based on the
7 commission of any act that may constitute unlawful sexual behavior or
8 who receives a deferred adjudication based on commission of any act that
9 may constitute unlawful sexual behavior, WHICH ACT WAS COMMITTED
10 WHILE THE PERSON WAS FOURTEEN YEARS OF AGE OR OLDER; except that,
11 with respect to section 16-22-113 (1)(a) to (1)(e), a person may petition
12 the court for an order to discontinue the duty to register as provided in
13 those paragraphs, but only if the person has not subsequently received a
14 disposition for, been adjudicated a juvenile delinquent for, or been
15 otherwise convicted of any offense involving unlawful sexual behavior.
16 In addition, the duty to provide notice to a person of the duty to register,
17 as set forth in sections 16-22-105 to 16-22-107, ~~shall apply~~ APPLIES to
18 juvenile parole and probation officers and appropriate personnel of the
19 division of youth corrections in the department of human services.

20 **SECTION 2.** In Colorado Revised Statutes, 16-22-106, **amend**
21 (3.5) as follows:

22 **16-22-106. Duties - probation department - community**
23 **corrections administrator - court personnel - jail personnel - notice.**

24 (3.5) With regard to a person who is required to register within a state,
25 military, or federal jurisdiction other than Colorado AS A RESULT OF A
26 CONVICTION FOR AN OFFENSE COMMITTED WHILE THE PERSON WAS
27 FOURTEEN YEARS OF AGE OR OLDER, the chief local law enforcement

1 officer, or his or her designee, of the Colorado jurisdiction in which the
2 person resides shall provide notice, as described in section 16-22-105, to
3 the person as soon as possible after discovering the person's presence in
4 the jurisdiction, of the duty to register in accordance with the provisions
5 of this article with the local law enforcement agency of each Colorado
6 jurisdiction in which the person resides. The person shall ~~be required to~~
7 sign the notice as confirmation of receipt and to provide the person's date
8 of birth and the address or addresses at which the person resides.

9 **SECTION 3.** In Colorado Revised Statutes, 16-22-108, **amend**
10 (1)(d)(I.5)(A) as follows:

11 **16-22-108. Registration - procedure - frequency - place -**
12 **change of address - fee.** (1) (d) (I.5) (A) A person convicted of an
13 offense COMMITTED WHILE THE PERSON WAS FOURTEEN YEARS OF AGE OR
14 OLDER in another state or jurisdiction, including but not limited to a
15 military or federal jurisdiction, who, as a result of the conviction, is
16 required to register quarterly as a sex offender in the state or jurisdiction
17 of conviction ~~is required to~~ SHALL register as provided in ~~subparagraph~~
18 ~~(f) of this paragraph (d)~~ SUBSECTION (1)(d)(I) OF THIS SECTION so long as
19 the person is a temporary or permanent resident of Colorado.

20 **SECTION 4.** In Colorado Revised Statutes, 16-22-110, **add** (10)
21 as follows:

22 **16-22-110. Colorado sex offender registry - creation -**
23 **maintenance - release of information.** (10) IN MAINTAINING THE SEX
24 OFFENDER REGISTRY, THE CBI SHALL ENSURE THAT THE REGISTRY ONLY
25 INCLUDES OFFENDERS WHO HAVE BEEN CONVICTED FOR AN OFFENSE
26 COMMITTED WHILE THE OFFENDER WAS FOURTEEN YEARS OF AGE OR
27 OLDER.

1 **SECTION 5.** In Colorado Revised Statutes, 16-22-112, **amend**
2 (2)(b)(III) as follows:

3 **16-22-112. Release of information - law enforcement agencies.**

4 (2) (b) A local law enforcement agency may post on its website sex
5 offender registration information of a person from its registration list only
6 if the person is:

7 (III) A juvenile with a second or subsequent adjudication
8 involving unlawful sexual behavior or for a crime of violence as defined
9 in section 18-1.3-406, ~~C.R.S.~~ WHICH OFFENSE OCCURRED WHILE THE
10 JUVENILE WAS FOURTEEN YEARS OF AGE OR OLDER; or

11 **SECTION 6. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.



Colorado
Legislative
Council
Staff

Attachment O

Bill 6

FISCAL NOTE

FISCAL IMPACT: ☒ State ☒ Local ☐ Statutory Public Entity ☐ Conditional ☐ No Fiscal Impact

Drafting Number: LLS 17-0152
Prime Sponsor(s):

Date: October 3, 2016
Bill Status: Legislative Oversight Committee
Concerning the Treatment of
Persons with Mental Illness in the
Criminal and Juvenile Justice
System Bill Request

Fiscal Analyst: Amanda Hayden (303-866-4918)

BILL TOPIC: REMOVE CHILD OFFENDERS FROM SEX OFFENDER REGISTRY

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	<u>\$28,500</u>	<u>\$31,406</u>
General Fund	23,348	24,828
Centrally Appropriated Costs	5,152	6,578
FTE Position Change	0.4 FTE	0.5 FTE
Appropriation Required: \$23,348 - Department of Public Safety (FY 2017-18).		
Future Year Impacts: Ongoing state expenditures increase.		

Summary of Legislation

This bill, *requested by the Mental Illness in the Criminal and Juvenile Justice System Legislative Oversight Committee*, limits the offenders required to register on the state's sex offender registry to only those whose offenses occurred when the offender was 14 years of age or older. In maintaining the sex offender registry, the Colorado Bureau of Investigation (CBI) must ensure that the registry only includes offenders whose offense was committed when he or she was 14 years of age or older.

Background

Any temporary or permanent resident in the state convicted in Colorado or any other jurisdiction of an unlawful sexual offense, enticement of a child, or internet luring of a child must register on Colorado's sex offender registry and with the local law enforcement agency where he or she resides. The court can exempt juveniles from registration under certain conditions, and a juvenile may petition the court for removal from the registry upon completion of his or her sentence. Although CBI does not charge for registration, local law enforcement agencies may charge up to \$75 for initial registration and up to \$25 for subsequent annual registrations.

The registry contains the offender's name, address, date of birth, a description of the offense or offenses committed, and his or her status as a sexually violent predator. This information is available to criminal justice agencies, local law enforcement agencies, and the public, upon request. Local law enforcement agencies may post on their websites information about adults on the sex offender registry, as well as juveniles with a second or subsequent adjudication involving unlawful sexual behavior or crimes of violence.

As of September 1, 2016, there are 2,095 juveniles on CBI's sex offender registry. CBI does not track the age of the offender at the time of the offense nor does it track how many new juveniles are added to the registry as a result of adjudication in Colorado or relocation from out of state. The fiscal note has not estimated how many juveniles will be removed from the list as a result of the bill. It assumes that the CBI will have to investigate every juvenile and potentially every adult sex offender who moves to Colorado to determine age at the time of the offense.

State Expenditures

The bill increases state General Fund expenditures by \$28,500 and 0.4 FTE in FY 2017-18 and by \$31,406 and 0.5 FTE in FY 2018-19 and future years in the Department of Public Safety (DPS). These costs are shown in Table 1 and described below.

Table 1. Expenditures Under Bill 6		
Cost Components	FY 2017-18	FY 2018-19
Personal Services	\$18,265	\$24,353
FTE	0.4 FTE	0.5 FTE
Operating Expenses and Capital Outlay Costs	5,083	475
Centrally Appropriated Costs*	5,152	6,578
TOTAL	\$28,500	\$31,406

**Centrally appropriated costs are not included in the bill's appropriation.*

Department of Public Safety (DPS). In FY 2017-18, DPS requires \$28,500 and 0.5 FTE, prorated to 0.4 FTE in the first year to account for a September 1 start date and the General Fund pay date shift, to ensure that the sex offender registry managed by CBI and any registries maintained by local law enforcement agencies do not contain any juveniles whose offenses occurred before their 14th birthday. In FY 2018-19 and ongoing, DPS requires \$31,406 and 0.5 FTE to investigate any juvenile sex offender who moves from out of state to determine how old the offender was at the time of his or her offense. Currently, CBI receives notice when a sex offender moves to Colorado from out of state, but the notice may not include court records and documentation about the offender's age at the time of his or her offense.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under Bill 6		
Cost Components	FY 2017-18	FY 2018-19
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$3,515	\$4,396
Supplemental Employee Retirement Payments	1,637	2,182
TOTAL	\$5,152	\$6,578

Local Government Impact

The bill may reduce revenue and workload for local governments. Local law enforcement agencies may charge a fee of up to \$75 for initial registration on local sex offender registries and up to \$25 for annual renewal registrations. With fewer juveniles required to register, local governments may see a minimal decrease in fee revenue. Workload for local law enforcement agencies may also decrease with fewer registrations to enforce.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State Appropriations

In FY 2017-18, the bill requires a General Fund appropriation of \$23,348 and an allocation of 0.4 FTE to the Department of Public Safety.

State and Local Government Contacts

Counties
Judicial
Public Safety

District Attorneys
Municipalities
Sheriffs

Information Technology
Public Defender



CBHC

Colorado Behavioral Healthcare Council

October 4th, 2016

Representative Jonathan Singer, Chair
Senator Beth Martinez-Humenik, Vice Chair
Representative Pete Lee
Representative Stephen Humphrey
Senator Laura Woods
Senator Linda Newell

Re: Public Testimony on MICJS Draft Bills for Consideration on 10/5/2016

Honorable Members of the MICJS Legislative Oversight Committee:

Since 1967, the Colorado Behavioral Healthcare Council (CBHC) has been the membership organization for Colorado's community behavioral health system. Our membership includes the statewide network of community mental health centers (CMHCs), behavioral health organizations (BHOs), and managed service organizations (MSOs), as well as two specialty clinics serving Latino and Asian Pacific populations. Our mission is to work with policymakers and community leaders to enhance the behavioral health system and improve the health, wellness, and safety of all Coloradans.

To that end, CBHC has a long history of involvement in and support of the MICJS Task Force. Currently, we have two member representatives on the task force in Harriet Hall, CEO of Jefferson Center for Mental Health (and former MICJS Chair), and Fernando Martinez, CEO of San Luis Behavioral Health Group. We also commit staff time to attending the MICJS Task Force and offer our expertise and perspective when called upon.

Unfortunately, due to scheduling conflicts, neither CBHC nor our MICJS member representatives will be able to attend the October 5th meeting to provide testimony or comment on the six bill drafts being considered. Respectfully, we submit the following comments in lieu of spoken testimony at tomorrow's hearing:

Bill 1: Staffing Task Force Mental Illness Justice Systems

CBHC recognizes the tremendous workload involved in coordinating the MICJS Task Force and its various workgroups and Oversight Committees. We support the concept of more staff support to extend the excellent work of the existing Legislative Council staff assigned to the MICJS Task Force.

Bill 2: Medication Mental Illness in Justice Systems

Among the six bills being considered by the Committee, this draft is particularly complex. CBHC and members have participated in many of the stakeholder groups convened on medication consistency and information sharing and, while we're supportive of both concepts, there is some concern that this is moving too quickly into bill form, when there may be other alternatives for collaboration and agreement. Providers have shared concerns about duplicate data entry and unreimbursed cost of implementing a data sharing system. CBHC believes these concerns to be valid with new data systems being proposed or implemented in multiple state departments and changes to existing data systems and security being an expensive and often unreimbursed cost. We suggest the committee and bill sponsors consider a mechanism for studying the cost of implementation that providers and other stakeholders may incur with the proposed requirements. Perhaps this information could be collected and analyzed by CDHS in the required report to the Health committee? We'd also support language to require that the data information sharing system be built off of, or integrated with, existing data systems.

Bill 3: Competency Restoration Services and Education

Members of CBHC have generally provided positive feedback on the concepts included in this bill. We do not have specific recommendations or amendments for this draft at this time.

Bill 4: Assistance to Released Mentally Ill Offenders

Regarding this bill, we would like to provide feedback regarding the eligibility criteria for the proposed program, which is listed in article 70 Section 2, page six, lines 1 – 13. We believe that limiting access to these programs to only individuals who are being released from the Department of Corrections or jails is restrictive and does not align with the current movement of research and programming that supports increasing resources for diversion of individuals with mental illness from the criminal justice system. We propose adding another category of eligibility in said section that allows individuals who have been engaged by a diversion program, such as a co-responder team or specialty courts, to become eligible for the proposed program upon demonstration of high criminogenic risk. Risk may be assessed by diversion-program measures, community documentation (such as high police contact or 911 calls), or a formal assessment (i.e., the LS-RNR which is an evidence-based tool to assess for criminogenic risk). We believe that limiting eligibility to only re-entry will increase future barrier to implementing successful diversion programs which have consistently demonstrated higher positive outcomes and cross-systemic cost-avoidance as compared to programs in later intercepts of the Sequential Intercept Model. We look forward to working with the bill sponsors to discuss these ideas in more detail.

Bill 5: Remove Juveniles from Sex Offender Registry

CBHC offers no comment at this time.

Bill 6: Remove Child Offenders from Sex Offender Registry

CBHC offers no comment at this time.

As mentioned, CBHC has been working to gather feedback from members on all six bill drafts. Although we have received some comments to the bills on which we asked them to focus, we do not believe we've had sufficient time to fully vet each bill to our full ability. Because of this, we will continue to seek feedback from members on any of the bills that move forward once the hearing concludes. We commit to working with bill sponsors and stakeholders to ensure that our feedback and any specific recommendations or amendments are offered as early in the process as possible.

On behalf of CBHC and our members, we wish to thank the members of the MICJS Legislative Oversight Committee for considering our comments and feedback and we are happy to follow up with any questions you may have. Questions or comments can be directed to Frank Cornelia, Director of Government & Community Relations, at 720-573-3971 or at fcornelia@cbhc.org.

Sincerely,



Doyle Forrester
CEO
Colorado Behavioral Healthcare Council

LLS NO. 17-0148.01/BILL 2_AMENDMENT # 1

INTERIM COMMITTEE AMENDMENT

Legislative Oversight Committee Concerning the Treatment of Persons
with Mental Illness in the Criminal and Juvenile Justice Systems

BY REPRESENTATIVE Singer

LLS No. 17-0148.01 be amended as follows:

- 1 Amend LLS No. 17-0148.01/BILL 2, page 7, strike lines 23 through 27.
- 2 Strike page 8.
- 3 Renumber succeeding section accordingly.

** ** ** *

LLS NO. 17-0148.01/BILL 2_AMENDMENT # 2

INTERIM COMMITTEE AMENDMENT

Legislative Oversight Committee Concerning the Treatment of Persons
with Mental Illness in the Criminal and Juvenile Justice Systems

BY REPRESENTATIVE Singer

LLS No. 17-0148.01 be amended as follows:

1 Amend LLS No. 17-0148.01/BILL 2, page 6, lines 10 and 11, strike "THE
2 UNIT, IN COLLABORATION WITH MULTIPLE PROVIDERS, SHALL DEVELOP A
3 PROCESS" and substitute "ON OR BEFORE JULY 1, 2017, THE UNIT, IN
4 COLLABORATION WITH THE OFFICE OF INFORMATION TECHNOLOGY, THE
5 OFFICE OF E-HEALTH INNOVATION, THE DEPARTMENT OF HEALTH CARE
6 POLICY AND FINANCING, THE DEPARTMENT OF PUBLIC SAFETY, THE
7 DEPARTMENT OF CORRECTIONS, AND OTHER AGENCIES AS APPROPRIATE,
8 SHALL DEVELOP A PLAN".

9 Page 7, strike lines 13 through 22 and substitute:
10 "(4) THE UNIT SHALL INVESTIGATE AND DEVELOP OPTIONS FOR
11 COLLABORATION WITH LOCAL COUNTY JAILS TO COORDINATE MEDICATION
12 PURCHASING. BASED ON THE INFORMATION FROM THE UNIT, THE
13 BEHAVIORAL HEALTH TRANSFORMATION COUNCIL, ESTABLISHED IN
14 SECTION 27-61-102, SHALL DEVELOP A MEDICATION PURCHASING PLAN ON
15 OR BEFORE JULY 1, 2017."

** **